

SIXTEENTH DAY.

(Wednesday, August 12, 1931.)

The House met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Minor.

The roll was called, and the following members were present:

Mr. Speaker.	Harrison
Adams of Harris.	of Waller.
Adams of Jasper.	Hatchitt.
Adamson.	Hefley.
Adkins.	Herzik.
Akin.	Hill.
Albritton.	Hines.
Alsup.	Holder.
Anderson.	Holland.
Baker.	Holloway.
Barron.	Hoskins.
Bedford.	Howsley.
Bond.	Hubbard.
Bounds.	Hughes.
Boyd.	Jackson.
Brice.	Johnson
Brooks.	of Dallam.
Bryant.	Johnson
Burns of Walker.	of Dimmit.
Burns	Johnson of Morris.
of McCulloch.	Jones of Shelby.
Carpenter.	Justiss.
Caven.	Kayton.
Claunch.	Keller.
Cox of Lamar.	Kennedy.
Cox of Limestone.	Laird.
Cunningham.	Lasseter.
Dale.	Lee.
Daniel.	Lemens.
DeWolfe.	Leonard.
Dodd.	Lilley.
Donnell.	Lockhart.
Dowell.	Long.
Dunlap.	McCombs.
Duvall.	McDougald.
Dwyer.	McGill.
Elliott.	McGregor.
Engelhard.	Magee.
Farmer.	Mathis.
Farrar.	Mehl.
Ferguson.	Metcalfe.
Finn.	Moffett.
Fisher.	Morse.
Forbes.	Munson.
Ford.	Murphy.
Fuchs.	Nicholson.
Gilbert.	Olsen.
Giles.	O'Quinn.
Goodman.	Patterson.
Graves.	Petsch.
Greathouse.	Ramsey.
Grogan.	Ratliff.
Hanson.	Ray.
Hardy.	Reader.
Harman.	Richardson.
Harrison	Rogers.
of El Paso.	Rountree.

Sanders.	Terrell
Satterwhite.	of Val Verde.
Savage.	Towery.
Scott.	Turner.
Shelton.	Van Zandt.
Sherrill.	Vaughan.
Smith of Bastrop.	Veatch.
Smith of Wood.	Wagstaff.
Sparkman.	Walker.
Stephens.	Warwick.
Stevenson.	Weinert.
Steward.	West of Coryell.
Strong.	West of Cameron.
Sullivant.	Westbrook.
Tarwater.	Wiggs.
Terrell	Wyatt.
of Cherokee.	Young.

Absent.

Beck.	Pope.
Martin.	

Absent—Excused.

Bradley.	Davis.
Coltrin.	Jones of Atascosa.
Coombes.	Moore.

A quorum was announced present.
Prayer was offered by the Rev.
John W. Holt, Chaplain.

LEAVES OF ABSENCE
GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Coltrin for today, on motion of Mr. Cox of Lamar.

Mr. Davis for today, on motion of Mr. Savage.

Mr. Jones of Atascosa for today, on motion of Mr. Wyatt.

HOUSE BILL NO. 12, WITH SEN-
ATE AMENDMENTS.

Mr. Burns of Walker called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 12, A bill to be entitled "An Act providing that it shall be unlawful to throw, cast, discharge or deposit crude petroleum, salt water and certain other substances in or on any stream, water course or other body of water of this State; providing that salt water may be discharged into the tidal waters of this State, and that sulphur water, when so treated that it is not harmful to aquatic life or marine organisms, may be deposited in the tidal waters of this State; providing for the enforcement of this act, disposition of fines, and fees of the arresting offi-

cer; and providing that it shall be cumulative of all other laws on this subject, and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

Mr. Burns of Walker moved that the House concur in the Senate amendments.

Mr. O'Quinn moved that the House do not concur in the Senate amendments, and that a free conference committee be requested to adjust the differences between the two houses on the bill.

On motion of Mr. Burns of Walker, the motion of Mr. O'Quinn was tabled.

Mr. Morse moved that further consideration of the bill be postponed indefinitely.

On motion of Mr. Burns of Walker, the motion of Mr. Morse was tabled.

Question then recurring on the motion to concur in the Senate amendments, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—77.

Adams of Jasper.	Jackson.
Adamson.	Jones of Shelby.
Alsup.	Keller.
Baker.	Kennedy.
Barron.	Laird.
Bounds.	Lasseter.
Boyd.	Lee.
Brooks.	Lemens.
Bryant.	Lockhart.
Burns of Walker.	McGill.
Burns	McGregor.
of McCulloch.	Magee.
Carpenter.	Metcalfe.
Claunch.	Moffett.
Cox of Lamar.	Munson.
Cunningham.	Murphy.
Daniel.	Olsen.
DeWolfe.	Ratliff.
Donnell.	Reader.
Dwyer.	Richardson.
Elliott.	Rogers.
Engelhard.	Rountree.
Farmer.	Sanders.
Ferguson.	Satterwhite.
Finn.	Scott.
Fisher.	Smith of Bastrop.
Forbes.	Smith of Wood.
Fuchs.	Sparkman.
Gilbert.	Stevenson.
Giles.	Strong.
Goodman.	Sullivant.
Greathouse.	Terrell
Hanson.	of Cherokee.
Hines.	Towery.
Holloway.	Turner.
Hoskins.	Vaughan.
Howsley.	Veatch.

Walker.	Wyatt.
West of Coryell.	Young.
Westbrook.	

Nays—23.

Adkins.	Lilley.
Albritton.	McCombs.
Dodd.	McDougald.
Harrison	Mathis.
of El Paso.	Morse.
Hefley.	Nicholson.
Holder.	O'Quinn.
Holland.	Patterson.
Hubbard.	Ray.
Hughes.	Shelton.
Johnson	Steward.
of Dimmit.	Weinert.
Justiss.	

Present—Not Voting.

Akin.	Stephens.
Anderson.	Tarwater.
Cox of Limestone.	Warwick.
Farrar.	Wiggs.
Herzik.	

Absent.

Adams of Harris.	Hill.
Beck.	Johnson
Bedford.	of Dallam.
Bond.	Johnson of Morris.
Brice.	Kayton.
Caven.	Leonard.
Dale.	Long.
Dowell.	Martin.
Dunlap.	Mehl.
Duvall.	Petsch.
Ford.	Pope.
Graves.	Ramsey.
Grogan.	Savage.
Hardy.	Sherrill.
Harman.	Terrell
Harrison	of Val Verde.
of Waller.	Wagstaff.
Hatchitt.	West of Cameron.

Absent—Excused.

Bradley.	Jones of Atascosa.
Coltrin.	Moore.
Coombes.	Van Zandt.
Davis.	

BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

H. B. No. 70, "An Act to amend Section 7 of House bill No. 609, Chapter 200, of the General and Special Laws of the Regular Session of the Forty-first Legislature, and declaring an emergency."

H. B. No. 32, "An Act making it

unlawful to hunt, shoot or kill any quail in Falls and Johnson counties from and including January 1 and November 30 of any year; fixing the penalty for violation of the provisions of this act, and declaring an emergency."

H. B. No. 15, "An Act to amend Section four (4) of Chapter 102, Special Laws, Regular Session of the Forty-second Legislature, which section defines the open season for killing squirrels in Wood county, fixing bag limit and penalties."

CONFERENCE COMMITTEE ON SENATE BILL NO. 64.

On motion of Mr. Metcalfe, the House granted the request of the Senate for the appointment of a free conference committee on Senate bill No. 64.

In accordance with the above action, the Speaker announced the appointment of the following committee:

Messrs. Metcalfe, Young, Murphy, Hubbard and Mathis.

TO AUTHORIZE CERTAIN CORRECTIONS IN HOUSE BILL NO. 73.

Mr. Laird offered the following resolution:

H. C. R. No. 17, To authorize certain corrections in House bill No. 73.

Whereas, In House bill No. 73, the sentence "and providing penalties for violations of this act," was left out of the caption of said bill; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House be authorized and instructed to add to the caption of House bill No. 73 the following words: "and providing penalties for violations of this act, and declaring an emergency."

The resolution was read second time, and was adopted.

TO SUSPEND CERTAIN RULE.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 16, To suspend certain rule.

Be it resolved by the Senate, the House of Representatives concurring, That Joint Rule No. 11 be, and the same is hereby, suspended for this Called Session.

The resolution was read second time, and was adopted.

SENATE BILL NO. 41 ON PAS- SAGE TO THIRD READING.

The Speaker laid before the House, as pending business, on its passage to third reading,

S. B. No. 41, A bill to be entitled "An Act to provide free tuition for all pupils over six years of age and not over twenty-one years of age in certain school districts; to provide for length of free term to be allowed transferred pupils; to provide for part-time schools, continuation schools, and evening schools for the purpose of the better education of adults, to define the meaning of high school grades, repealing all laws in conflict herewith, and declaring an emergency."

The bills having heretofore been read second time, with amendment by Mr. Howsley pending.

Mr. Holder moved to table the pending amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—54.

Adamson.	Holder.
Adkins.	Hughes.
Bedford.	Jackson.
Bond.	Johnson
Brooks.	of Dallam.
Bryant.	Johnson of Morris.
Burns of Walker.	Keller.
Claunch.	Kennedy.
Cox of Lamar.	Laird.
Cox of Limestone.	Lemens.
Cunningham.	McCombs.
DeWolfe.	McGill.
Dodd.	McGregor.
Dowell.	Magee.
Duvall.	Metcalfe.
Elliott.	Morse.
Engelhard.	Ratliff.
Ferguson.	Rountree.
Finn.	Scott.
Forbes.	Stephens.
Gilbert.	Steward.
Goodman.	Strong.
Greathouse.	Towery.
Harman.	Turner.
Harrison	West of Coryell.
of Waller.	West of Cameron.
Herzik.	Wyatt.
Hill.	Young.

Nays—59.

Adams of Jasper.	Albritton.
Akin.	Alsup.

Baker.	Lockhart.
Bounds.	Long.
Boyd.	Mathis.
Brice.	Mehl.
Caven.	Munson.
Dale.	Murphy.
Donnell.	Nicholson.
Dwyer.	Olsen.
Farmer.	Ray.
Fisher.	Reader.
Fuchs.	Richardson.
Hanson.	Rogers.
Hardy.	Satterwhite.
Harrison	Savage.
of El Paso.	Shelton.
Hatchitt.	Sherrill.
Hefley.	Smith of Bastrop.
Hines.	Smith of Wood.
Holland.	Sparkman.
Holloway.	Stevenson.
Hoskins.	Sullivant.
Howsley.	Terrell of Cherokee.
Hubbard.	Vaughan.
Johnson	Veatch.
of Dimmit.	Walker.
Jones of Shelby.	Weinert.
Justiss.	Westbrook.
Lee.	Wiggs.
Lilley.	

Absent.

Adams of Harris.	Leonard.
Anderson.	McDougald.
Barron.	Martin.
Beck.	Moffett.
Burns	O'Quinn.
of McCulloch.	Patterson.
Carpenter.	Petsch.
Daniel.	Pope.
Dunlap.	Ramsey.
Farrar.	Sanders.
Ford.	Tarwater.
Giles.	Terrell
Graves.	of Val Verde.
Grogan.	Wagstaff.
Kayton.	Warwick.
Lasseter.	

Absent—Excused.

Bradley.	Jones of Atascosa.
Coltrin.	Moore.
Coombes.	Van Zandt.
Davis.	

Mr. Young moved the previous question on the pending amendment and the bill, and the main question was ordered.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—38.

Adams of Jasper.	Brice.
Alsup.	Donnell.
Baker.	Fisher.
Bounds.	Fuchs.

Grogan.	Nicholson.
Harrison	O'Quinn.
of El Paso.	Ramsey.
Hefley.	Ray.
Hines.	Reader.
Holland.	Satterwhite.
Holloway.	Savage.
Howsley.	Sherrill.
Hubbard.	Sparkman.
Johnson	Terrell
of Dimmit.	of Cherokee.
Jones of Shelby.	Terrell
Justiss.	of Val Verde.
Lilley.	Vaughan.
Lockhart.	Veatch.
Munson.	Walker.
Murphy.	Weinert.

Nays—68.

Adams of Harris.	Holder.
Adamson.	Hughes.
Adkins.	Jackson.
Anderson.	Johnson
Barron.	of Dallam.
Bedford.	Johnson of Morris.
Bond.	Keller.
Boyd.	Kennedy.
Brooks.	Laird.
Bryant.	Lemens.
Burns of Walker.	McCombs.
Carpenter.	McDougald.
Claunch.	McGill.
Cox of Lamar.	McGregor.
Cox of Limestone.	Magee.
Cunningham.	Mehl.
Dale.	Metcalfe.
Daniel.	Moffett.
Dodd.	Morse.
Dowell.	Olsen.
Engelhard.	Ratliff.
Farmer.	Richardson.
Ferguson.	Rogers.
Finn.	Rountree.
Forbes.	Sanders.
Gilbert.	Scott.
Giles.	Shelton.
Goodman.	Smith of Wood.
Greathouse.	Stephens.
Hanson.	Steward.
Harman.	Strong.
Harrison	Towery.
of Waller.	Turner.
Herzik.	West of Coryell.
Hill.	Young.

Present—Not Voting.

Wyatt.

Absent.

Akin.	Duvall.
Albritton.	Dwyer.
Beck.	Elliott.
Burns	Farrar.
of McCulloch.	Ford.
Caven.	Graves.
DeWolfe.	Hardy.
Dunlap.	Hatchitt.

Hoskins.	Pope.
Kayton.	Smith of Bastrop.
Lasseter.	Stevenson.
Lee.	Sullivant.
Leonard.	Tarwater.
Long.	Wagstaff.
Martin.	Warwick.
Mathis.	West of Cameron.
Patterson.	Westbrook.
Petsch.	Wiggs.

Absent—Excused.

Bradley.	Jones of Atascosa.
Coltrin.	Moore.
Coombes.	Van Zandt.
Davis.	

Paired.

Mr. McGregor (present), who would vote "nay," with Mr. Hardy (absent), who would vote "yea."

Senate bill No. 41 was then passed to third reading.

SENATE BILL NO. 41 ON THIRD READING.

Mr. Holder moved that the constitutional rule requiring bills to be read on three several days be suspended, and that Senate bill No. 41 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—108.

Adams of Harris.	Forbes.
Adams of Jasper.	Ford.
Adamson.	Fuchs.
Adkins.	Gilbert.
Akin.	Giles.
Albritton.	Goodman.
Alsup.	Greathouse.
Anderson.	Grogan.
Barron.	Hanson.
Bedford.	Harman.
Bond.	Harrison.
Boyd.	of El Paso.
Brooks.	Harrison.
Bryant.	of Waller.
Burns of Walker.	Herzik.
Burns	Hill.
of McCulloch.	Hines.
Claunch.	Holder.
Cox of Lamar.	Holloway.
Cox of Limestone.	Hoskins.
Cunningham.	Howsley.
Dale.	Hubbard.
Daniel.	Hughes.
Dodd.	Jackson.
Donnell.	Johnson.
Dowell.	of Dallam.
Dunlap.	Johnson.
Engelhard.	of Dimmit.
Finn.	Johnson of Morris.
Fisher.	Jones of Shelby.

Justiss.	Rountree.
Kayton.	Sanders.
Keller.	Satterwhite.
Kennedy.	Savage.
Laird.	Scott.
Lasseter.	Shelton.
Lemens.	Sherrill.
Leonard.	Smith of Wood.
Lilley.	Sparkman.
McCombs.	Stephens.
McDougald.	Stevenson.
McGill.	Steward.
McGregor.	Strong.
Magee.	Terrell.
Mathis.	of Cherokee.
Mehl.	Terrell.
Metcalf.	of Val Verde.
Moffett.	Towery.
Morse.	Turner.
Munson.	Vaughan.
Murphy.	Veatch.
Nicholson.	Walker.
Ramsey.	Weinert.
Ratliff.	West of Coryell.
Ray.	Westbrook.
Reader.	Wyatt.
Richardson.	Young.
Rogers.	

Nays—7.

Baker.	Hefley.
Bounds.	Lockhart.
Carpenter.	Olsen.
Farmer.	

Absent.

Beck.	Long.
Brice.	Martin.
Caven.	O'Quinn.
DeWolfe.	Patterson.
Duvall.	Petsch.
Dwyer.	Pope.
Elliott.	Smith of Bastrop.
Farrar.	Sullivant.
Ferguson.	Tarwater.
Graves.	Wagstaff.
Hardy.	Warwick.
Hatchitt.	West of Cameron.
Holland.	Wiggs.
Lee.	

Absent—Excused.

Bradley.	Jones of Atascosa.
Coltrin.	Moore.
Coombes.	Van Zandt.
Davis.	

The Speaker then laid Senate bill No. 41 before the House on its third reading and final passage.

The bill was read third time.

Mr. Veatch offered the following amendment to the bill:

Amend Senate bill No. 41, page 2, by striking out Section 4 and renumbering the other sections accordingly.

The amendment was adopted.

Senate bill No. 41 was then passed by the following vote:

Yeas—120.

Adams of Harris.	Johnson of Dimmit.
Adams of Jasper.	Johnson of Morris.
Adamson.	Jones of Shelby.
Adkins.	Justiss.
Akin.	Kayton.
Albritton.	Keller.
Alsup.	Kennedy.
Anderson.	Lasseter.
Baker.	Lee.
Barron.	Lemens.
Bedford.	Leonard.
Bounds.	Lilley.
Boyd.	Lockhart.
Brice.	McCombs.
Brooks.	McDougald.
Bryant.	McGill.
Burns of Walker.	McGregor.
Burns of McCulloch.	Magee.
Carpenter.	Mehl.
Claunch.	Metcalfe.
Cox of Lamar.	Moffett.
Cox of Limestone.	Morse.
Cunningham.	Munson.
Dale.	Murphy.
Daniel.	Nicholson.
Davis.	Olsen.
DeWolfe.	O'Quinn.
Dodd.	Ratliff.
Donnell.	Ray.
Dowell.	Reader.
Dunlap.	Richardson.
Dwyer.	Rogers.
Engelhard.	Rountree.
Farmer.	Sanders.
Farrar.	Satterwhite.
Ferguson.	Scott.
Finn.	Shelton.
Fisher.	Sherrill.
Forbes.	Smith of Bastrop.
Fuchs.	Smith of Wood.
Gilbert.	Sparkman.
Goodman.	Stephens.
Greathouse.	Stevenson.
Grogan.	Steward.
Hanson.	Strong.
Hardy.	Sullivant.
Harman.	Terrell
Harrison of Waller.	of Cherokee.
Hatchitt.	Terrell
Herzik.	of Val Verde.
Hill.	Towery.
Hines.	Turner.
Holder.	Vaughan.
Holloway.	Veatch.
Hoskins.	Walker.
Howsley.	Warwick.
Hubbard.	Weinert.
Hughes.	West of Coryell.
Jackson.	Westbrook.
Johnson	Wiggs.
of Dallam.	Wyatt.
	Young.

Nays—2.

Bond.

Hefley.

Absent.

Beck.	Long.
Caven.	Martin.
Duvall.	Mathis.
Elliott.	Patterson.
Ford.	Petsch.
Giles.	Pope.
Graves.	Ramsey.
Harrison	Savage.
of El Paso.	Tarwater.
Holland.	Wagstaff.
Laird.	West of Cameron.

Absent—Excused.

Bradley.	Jones of Atascosa.
Coltrin.	Moore.
Coombes.	Van Zandt.

Reason for Vote.

I signed Mr. Howsley's amendment to Senate bill No. 41 through misunderstanding, and when I understood same I voted against his amendment.

DOWELL.

TO AUTHORIZE CERTAIN CORRECTION IN HOUSE BILL NO. 37.

Mr. Wyatt offered the following resolution:

H. C. R. No. 18, To authorize certain corrections in House bill No. 37.

Be it resolved by the House of Representatives of the Forty-second Legislature, the Senate concurring, That the Enrolling Clerk of the House be, and is hereby, authorized to amend the caption of House bill No. 37 to conform to the body of the bill.

The resolution was read second time, and was adopted.

BILL ORDERED NOT PRINTED.

On motion of Mr. Leonard, Senate bill No. 43 was ordered not printed.

BILL ORDERED PRINTED IN MIMEOGRAPH FORM.

On motion of Mr. Lasseter, Senate bill No. 13 was ordered printed in mimeograph form and not otherwise printed.

SENATE BILL NO. 47 ON SECOND READING.

(By Unanimous Consent.)

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 47, A bill to be entitled

"An Act amending Article 2832, Revised Civil Statutes of Texas, 1925, as amended by Senate bill No. 563, approved May 29, 1931, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 47 ON THIRD READING.

Mr. Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended, and that Senate bill No. 47 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—102.

Adams of Harris.	Hines.
Adams of Jasper.	Holder.
Adamson.	Holloway.
Adkins.	Hoskins.
Akin.	Howsley.
Albritton.	Hubbard.
Alsup.	Hughes.
Anderson.	Johnson
Baker.	of Dimmit.
Barron.	Johnson of Morris.
Bond.	Jones of Shelby.
Bounds.	Justiss.
Boyd.	Kayton.
Brooks.	Keller.
Bryant.	Kennedy.
Burns of Walker.	Laird.
Burns	Lasseter.
of McCulloch.	Lee.
Carpenter.	Lemens.
Claunch.	Leonard.
Cox of Lamar.	Lilley.
Cox of Limestone.	Lockhart.
Dale.	McCombs.
Daniel.	McDougald.
Dodd.	McGill.
Dunlap.	McGregor.
Duvall.	Magee.
Dwyer.	Mehl.
Elliott.	Moffett.
Englehard.	Morse.
Farrar.	Munson.
Finn.	O'Quinn.
Fisher.	Patterson.
Forbes.	Ratliff.
Fuchs.	Ray.
Gilbert.	Reader.
Grogan.	Richardson.
Hanson.	Rogers.
Hardy.	Rountree.
Harman.	Sanders.
Harrison	Scott.
of Waller.	Shelton.
Hatchitt.	Sherrill.
Herzik.	Smith of Bastrop.
Hill.	Smith of Wood.

Sparkman.	Veatch.
Stevenson.	Walker.
Steward.	Warwick.
Sullivant.	Weinert.
Terrell	West of Coryell.
of Val Verde.	Westbrook.
Van Zandt.	Wyatt.
Vaughan.	Young.

Nays—3.

Farmer.	Terrell
Hefley.	of Cherokee.

Absent.

Beck.	Long.
Bedford.	Martin.
Brice.	Mathis.
Caven.	Metcalf.
Cunningham.	Murphy.
DeWolfe.	Nicholson.
Donnell.	Olsen.
Dowell.	Petsch.
Ferguson.	Pope.
Ford.	Ramsey.
Giles.	Satterwhite.
Goodman.	Savage.
Graves.	Stephens.
Greathouse.	Strong.
Harrison	Tarwater.
of El Paso.	Towery.
Holland.	Turner.
Jackson.	Wagstaff.
Johnson	West of Cameron.
of Dallam.	Wiggs.

Absent—Excused.

Bradley.	Davis.
Coltrin.	Jones of Atascosa.
Coombes.	Moore.

The Speaker then laid Senate bill No. 47 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—104.

Adams of Harris.	Cox of Lamar.
Adams of Jasper.	Cox of Limestone.
Adamson.	Cunningham.
Adkins.	Dale.
Akin.	Daniel.
Albritton.	Dodd.
Alsup.	Donnell.
Anderson.	Dunlap.
Baker.	Dwyer.
Barron.	Elliott.
Bond.	Engelhard.
Bounds.	Farmer.
Boyd.	Farrar.
Brooks.	Finn.
Bryant.	Fisher.
Burns of Walker.	Forbes.
Burns	Fuchs.
of McCulloch.	Gilbert.
Carpenter.	Greathouse.
Claunch.	Grogan.

Hanson.	Morse.
Hardy.	Munson.
Harman.	Olsen.
Harrison	O'Quinn.
of Waller.	Patterson.
Herzik.	Ramsey.
Hill.	Ratliff.
Hines.	Ray.
Holloway.	Reader.
Hoskins.	Richardson.
Howsley.	Rogers.
Hubbard.	Rountree.
Hughes.	Sanders.
Johnson	Scott.
of Dimmit.	Shelton.
Johnson of Morris.	Sherrill.
Jones of Shelby.	Smith of Bastrop.
Justiss.	Sparkman.
Keller.	Stevenson.
Kennedy.	Steward.
Laird.	Strong.
Lasseter.	Sullivant.
Lee.	Terrell
Lemens.	of Val Verde.
Leonard.	Van Zandt.
Lilley.	Vaughan.
Lockhart.	Veatch.
McCombs.	Walker.
McDougald.	Warwick.
McGill.	Weinert.
McGregor.	West of Coryell.
Magee.	West of Cameron.
Mehl.	Wyatt.
Moffett.	Young.

Nays—2.

Hefley.	Terrell
	of Cherokee.

Absent.

Beck.	Kayton.
Bedford.	Long.
Brice.	Martin.
Caven.	Mathis.
DeWolfe.	Metcalfe.
Dowell.	Murphy.
Duvall.	Nicholson.
Ferguson.	Petsch.
Ford.	Pope.
Giles.	Satterwhite.
Goodman.	Savage.
Graves.	Smith of Wood.
Harrison	Stephens.
of El Paso.	Tarwater.
Hatchitt.	Towery.
Holder.	Turner.
Holland.	Wagstaff.
Jackson.	Westbrook.
Johnson	Wiggs.
of Dallam.	

Absent—Excused.

Bradley.	Davis.
Coltrin.	Jones of Atascosa.
Coombes.	Moore.

BILL ORDERED PRINTED.

Mr. Keller moved that Senate bill No. 11, reported adversely, with a minority favorable report, be printed in mimeograph form and not otherwise printed.

The motion prevailed.

SENATE BILL NO. 49 ON SECOND READING.

(By Unanimous Consent.)

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 49, A bill to be entitled "An Act validating all issues of funding and refunding notes, bonds, warrants, time warrants and treasury warrants heretofore issued or authorized to be issued by any and all cities in the State, whether incorporated under General or Special Laws."

The bill was read second time.

(Mr. McGill in the chair.)

Mr. Sanders moved the previous question on the passage of the bill to third reading, and the main question was ordered.

(Speaker in the chair.)

Senate bill No. 49 was then passed to third reading.

SENATE BILL NO. 49 ON THIRD READING.

Mr. Anderson moved that the constitutional rule requiring bills to be read on three several days be suspended, and that Senate bill No. 49 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—92.

Mr. Speaker.	Donnell.
Adams of Harris.	Dunlap.
Adams of Jasper.	Dwyer.
Adamson.	Engelhard.
Albritton.	Ferguson.
Anderson.	Finn.
Baker.	Fisher.
Boyd.	Forbes.
Brooks.	Ford.
Burns of Walker.	Fuchs.
Claunch.	Gilbert.
Cox of Limestone.	Goodman.
Cunningham.	Greathouse.
Daniel.	Grogan.
DeWolfe.	Harrison
Dodd.	of El Paso.

Harrison of Waller.	Nicholson.
Hatchitt.	Olsen.
Hefley.	O'Quinn.
Hill.	Patterson.
Holder.	Petsch.
Holland.	Ramsey.
Holloway.	Ratliff.
Howsley.	Ray.
Hubbard.	Reader.
Hughes.	Richardson.
Johnson	Rountree.
of Dimmit.	Sanders.
Johnson of Morris.	Satterwhite.
Jones of Shelby.	Savage.
Justiss.	Shelton.
Kayton.	Sherrill.
Keller.	Smith of Bastrop.
Lasseter.	Sparkman.
Lemens.	Steward.
Lilley.	Strong.
Lockhart.	Tarwater.
McCombs.	Terrell
McDougald.	of Val Verde.
McGill.	Towery.
McGregor.	Van Zandt.
Mathis.	Veatch.
Mehl.	Walker.
Metcalfe.	Warwick.
Morse.	West of Cameron.
Munson.	Westbrook.
Murphy.	Wyatt.
	Young.

Nays—23.

Adkins.	Harman.
Alsup.	Kennedy.
Barron.	Lee.
Bond.	Magee.
Bounds.	Moffett.
Burns	Rogers.
of McCulloch.	Smith of Wood.
Carpenter.	Stevenson.
Cox of Lamar.	Terrell
Dowell.	of Cherokee.
Elliott.	Vaughan.
Farmer.	Weinert.
Hanson.	

Present—Not Voting.

Akin.	Johnson
Farrar.	of Dallam.

Absent.

Beck.	Hines.
Bedford.	Hoskins.
Brice.	Jackson.
Bryant.	Laird.
Caven.	Leonard.
Dale.	Long.
Duvall.	Martin.
Giles.	Pope.
Graves.	Scott.
Hardy.	Stephens.
Herzik.	Sullivant.

Turner.	West of Coryell.
Wagstaff.	Wiggs.

Absent—Excused.

Bradley.	Davis.
Coltrin.	Jones of Atascosa.
Coombes.	Moore.

The Speaker then laid Senate bill No. 49 before the House on its third reading and final passage.

The bill was read third time, and was passed.

TO AUTHORIZE CERTAIN CORRECTIONS IN HOUSE BILL NO. 33.

Mr. Johnson of Morris offered the following resolution:

H. C. R. No. 19, To authorize certain corrections in House bill No. 33.

Be it resolved by the House of Representatives of the Forty-second Legislature, the Senate concurring, That the Enrolling Clerk of the House be, and is hereby, authorized to amend the caption of House bill No. 33 to conform to the body of the bill.

The resolution was read second time, and was adopted.

BILLS AND RESOLUTION SIGNED BY THE SPEAKER.

The Speaker signed in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolution:

S. C. R. No. 17, To authorize certain corrections in House bill No. 44.

H. B. No. 71, "An Act to exclude from the Donna Irrigation District, Hidalgo County No. 1, all of that land now lying within the corporate limits of the city of Donna; providing that the lands so excluded shall continue to bear a tax that will provide an interest and sinking fund sufficient to retire that pro rata part of the indebtedness which the lands hereby excluded bear to the entire indebtedness of the Donna Irrigation District, Hidalgo County No. 1, at the time of the exclusion of said lands from said district; providing that this act shall in no way impair the value of any bonds outstanding against said district at the time of the effective date of this act; providing that if any of the indebtedness existing against the said Donna Irrigation District, Hidalgo

County No. 1, on the effective date of this act be cancelled or in any similar manner reduced by said Donna Irrigation District, Hidalgo County No. 1, then those lands hereby excluded from the said district shall have the benefit of their pro rata part of such reduction as that pro rata part exists at the time of the exclusion of said lands, etc., and declaring an emergency."

S. B. No. 59, "An Act amending Chapter 239, Special Laws of the Regular Session of the Forty-second Legislature of the State, of Texas, and declaring an emergency."

H. B. No. 75, "An Act making an appropriation of \$50,000 for mileage and per diem, etc., and declaring an emergency."

S. B. No. 40, "An Act amending Section 1 of Chapter 354, page 844, Acts of the Regular Session of the Forty-second Legislature, relating to the creation of the office of criminal district attorney in certain counties, so as to make said act applicable to counties having a population of not less than 32,000 and not more than 75,000 inhabitants according to the last preceding Federal census, and declaring an emergency."

H. B. No. 65, "An Act authorizing navigation districts to expend their funds for work done or to be done on improvements made or to be made outside of their geographical boundaries, and declaring an emergency."

S. B. No. 44, "An Act to amend Chapter 61, Acts of the Regular Session of the Forty-second Legislature, House bill No. 289, providing for the taking of fish from the fresh waters of Hunt county, Kaufman county and Rains county, Texas, and making it unlawful to take any such fish except by ordinary hook and line, or by seine or net, the mesh of which is less than one and one-half-inch square; providing that seines and nets may be used only during July, August and September; and making it unlawful to take or possess any such fish for the purpose of sale except carp, buffalo, catfish and drumfish taken from the waters of Kaufman county, Texas, or to retain any bass or trout less than eight inches in length, or any white perch or crappie weighing less than one-half pound; fixing penalty, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, August 12, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 17, Authorizing the Enrolling Clerk of the House to make certain corrections in House bill No. 73.

H. C. R. No. 18, Authorizing the Enrolling Clerk of the House to make corrections in caption of House bill No. 37.

H. C. R. No. 7, Petitioning the Governor of Texas to submit to the Legislature the question of revising the State's taxation system.

The Senate has concurred in House amendments to Senate bill No. 41 by the following vote: yeas 31, nays 0.

The Senate has passed

H. B. No. 48, A bill to be entitled "An Act to validate all ad valorem tax levies and assessments heretofore made by incorporated cities and towns in the State of Texas which levies are unenforceable because of failure of the governing bodies of such respective incorporated cities and towns to make such levy by ordinance, and which are unenforceable because of the failure of such governing bodies to appoint the statutory board of equalization or where the city council, city commission or other governing body of such incorporated city or town have acted as a board of equalization in the fixing of the valuation of taxable property for ad valorem taxes within any such incorporated city or town, and declaring an emergency."

Respectfully,
BOB BARKER,
Secretary of the Senate.

SENATE BILL NO. 35 ON SECOND READING.

(By Unanimous Consent.)

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 35, A bill to be entitled "An Act to amend House bill No. 312, known as the Bond and Warrant Law of 1931, passed by the Forty-second Legislature at the Regular Session

thereof, by adding thereto a new section, to be designated as Section 11a, providing that nothing contained in said act shall be construed as requiring any city to give any notice as a condition precedent to issuing warrants payable out of current funds of such city, and the issuance of any such warrants by any such city shall not be subject to the terms and provisions of said act, and declaring an emergency."

The bill was read second time.

Mr. Morse offered the following amendment to the bill:

Amend the caption to Senate bill No. 35 by adding after the semi-colon following the word "act" in the next to last line of the caption, the following: "providing that when such warrants are authorized, the governing body shall also pass an order setting aside such amount of current funds as will discharge principal and interest of the warrants, and such appropriated portion of such current funds shall not be used for any purpose other than to discharge said warrants, and providing no such warrants shall ever be refunded, but must be discharged from designated funds."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

Senate bill No. 35 was then passed to third reading.

SENATE BILL NO. 35 ON THIRD READING.

Mr. Morse moved that the constitutional rule requiring bills to be read on three several days be suspended, and that Senate bill No. 35 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—93.

Adams of Harris.	Burns
Adams of Jasper.	of McCulloch.
Adamson.	Carpenter.
Adkins.	Claunch.
Akin.	Cox of Limestone.
Albritton.	Cunningham.
Anderson.	Daniel.
Baker.	DeWolfe.
Barron.	Dodd.
Bounds.	Donnell.
Boyd.	Dunlap.
Brooks.	Engelhard.

Farrar.	McCombs.
Ferguson.	McDougald.
Finn.	McGregor.
Forbes.	Mathis.
Ford.	Mehl.
Fuchs.	Moffett.
Gilbert.	Morse.
Graves.	Munson.
Greathouse.	Murphy.
Grogan.	Olsen.
Harman.	O'Quinn.
Harrison	Patterson.
of Waller.	Petsch.
Hatchitt.	Ramsey.
Hefley.	Ratliff.
Herzik.	Richardson.
Hill.	Rountree.
Hines.	Sanders.
Holder.	Satterwhite.
Holland.	Savage.
Howsley.	Sherrill.
Hubbard.	Smith of Bastrop.
Hughes.	Sparkman.
Johnson	Steward.
of Dallam.	Strong.
Johnson	Sullivant.
of Dimmit.	Terrell
Johnson of Morris.	of Val Verde.
Jones of Shelby.	Van Zandt.
Kayton.	Veatch.
Keller.	Walker.
Laird.	Warwick.
Lee.	West of Coryell.
Lemens.	West of Cameron.
Leonard.	Westbrook.
Lilley.	Wyatt.
Lockhart.	Young.

Nays—16.

Alsup.	Kennedy.
Bond.	Magee.
Brice.	Rogers.
Cox of Lamar.	Smith of Wood.
Dowell.	Terrell
Elliott.	of Cherokee.
Farmer.	Vaughan.
Goodman.	Weinert.
Hanson.	

Present—Not Voting.

Fisher.	Ray.
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Absent.

Beck.	Holloway.
Bedford.	Hoskins.
Bryant.	Jackson.
Burns of Walker.	Justiss.
Caven.	Lasseter.
Dale.	Long.
Duvall.	McGill.
Dwyer.	Martin.
Giles.	Metcalf.
Hardy.	Nicholson.
Harrison	Pope.
of El Paso.	Reader.

Scott.
Shelton.
Stephens.
Stevenson.
Tarwater.

Towery.
Turner.
Wagstaff.
Wiggs.

Absent—Excused.

Bradley.
Coltrin.
Coombes.

Davis.
Jones of Atascosa.
Moore.

The Speaker then laid Senate bill No. 35 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—90.

Mr. Speaker.	Johnson of Dimmit.
Adams of Harris.	Johnson of Morris.
Adams of Jasper.	Jones of Shelby.
Adamson.	Kayton.
Adkins.	Keller.
Albritton.	Kennedy.
Anderson.	Laird.
Baker.	Lee.
Bounds.	Lemens.
Boyd.	Lilley.
Brooks.	McCombs.
Burns of Walker.	McDougald.
Burns	McGregor.
of McCulloch.	Mathis.
Carpenter.	Mehl.
Claunch.	Moffett.
Cox of Limestone.	Munson.
Cunningham.	Murphy.
Daniel.	Olsen.
DeWolfe.	Patterson.
Dodd.	Petsch.
Donnell.	Ramsey.
Dunlap.	Ratliff.
Englehard.	Ray.
Farrar.	Reader.
Ferguson.	Richardson.
Finn.	Rountree.
Forbes.	Sanders.
Ford.	Satterwhite.
Fuchs.	Savage.
Gilbert.	Sherrill.
Graves.	Sparkman.
Grogan.	Stevenson.
Harrison	Steward.
of Waller.	Strong.
Hatchitt.	Sullivant.
Herzik.	Terrell
Hill.	of Val Verde.
Hines.	Van Zandt.
Holder.	Veatch.
Holland.	Walker.
Holloway.	Warwick.
Howsley.	West of Coryell.
Hubbard.	West of Cameron.
Hughes.	Westbrook.
Johnson	Wyatt.
of Dallam.	Young.

Nays—18.

Alsup.	Hanson.
Bond.	Hefley.
Brice.	Magee.
Cox of Lamar.	Rogers.
Dowell.	Smith of Wood.
Elliott.	Terrell
Farmer.	of Cherokee.
Giles.	Vaughan.
Goodman.	Weinert.
Greathouse.	

Present—Not Voting.

Akin.	Nicholson.
Fisher.	Stephens.

Absent.

Barron.	Lockhart.
Beck.	Long.
Bedford.	McGill.
Bryant.	Martin.
Caven.	Metcalfe.
Dale.	Morse.
Duvall.	O'Quinn.
Dwyer.	Pope.
Hardy.	Scott.
Harman.	Shelton.
Harrison	Smith of Bastrop.
of El Paso.	Tarwater.
Hoskins.	Towery.
Jackson.	Turner.
Justiss.	Wagstaff.
Lasseter.	Wiggs.
Leonard.	

Absent—Excused.

Bradley.	Davis.
Coltrin.	Jones of Atascosa.
Coombes.	Moore.

SENATE BILL NO. 3 ON SECOND READING.

(By Unanimous Consent.)

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 3, A bill to be entitled "An Act to amend Article 4644 of the Revised Civil Statutes of the State of Texas of 1925, relating to the issue of an injunction, or temporary restraining order, prohibiting subsurface drilling or mining operations on the application of an adjacent landowner, claiming injury to the surface, or improvements, or loss or injury to the minerals thereunder; so as to provide for protection against an unnecessary number of wells, wasteful, uneconomical and unscientific exploitation of the same field, pool, stratum and strata, or any part

thereof, to the damage and damage and injury of value or values, of any person or persons having rights and interests therein, whether on adjoining lands or not, and declaring an emergency."

The bill was read second time.

Mr. Walker moved to table the bill.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—61.

Adkins.	Kennedy.
Akin.	Laird.
Barron.	Lemens.
Bond.	Lilley.
Brice.	McGill.
Bryant.	McGregor.
Burns of Walker.	Mehl.
Carpenter.	Moffett.
Claunch.	Patterson.
Cox of Lamar.	Ramsey.
Cunningham.	Ratliff.
Daniel.	Ray.
DeWolfe.	Richardson.
Dwyer.	Rogers.
Elliott.	Satterwhite.
Farmer.	Shelton.
Farrar.	Sherrill.
Ferguson.	Smith of Wood.
Fisher.	Sparkman.
Fuchs.	Stephens.
Goodman.	Stevenson.
Greathouse.	Sullivant.
Hanson.	Terrell
Hefley.	of Cherokee.
Hill.	Turner.
Hines.	Vaughan.
Hoskins.	Veatch.
Johnson	Walker.
of Dallam.	West of Cameron.
Jones of Shelby.	Westbrook.
Kayton.	Young.
Keller.	

Nays—42.

Adams of Harris.	Hatchitt.
Adamson.	Holder.
Albritton.	Howsley.
Alsup.	Hubbard.
Bounds.	Johnson of Dimmit.
Boyd.	Lee.
Cox of Limestone.	McCombs.
Dale.	McDougald.
Dodd.	Magee.
Donnell.	Mathis.
Dowell.	Morse.
Forbes.	Munson.
Gilbert.	Nicholson.
Giles.	Olsen.
Graves.	O'Quinn.
Grogan.	Petsch.
Harrison	Rountree.
of Waller.	Sanders.

Savage.	Weinert.
Smith of Bastrop.	West of Coryell.
Steward.	Wyatt.
Van Zandt.	

Present—Not Voting.

Anderson.	Tarwater.
Hughes.	Warwick.
Reader.	

Absent.

Adams of Jasper.	Jackson.
Baker.	Johnson
Beck.	of Morris.
Bedford.	Justiss.
Brooks.	Lasseter.
Burns	Leonard.
of McCulloch.	Lockhart.
Caven.	Long.
Dunlap.	Martin.
Duvall.	Metcalf.
Engelhard.	Murphy.
Finn.	Pope.
Ford.	Scott.
Hardy.	Strong.
Harman.	Terrell
Harrison	of Val Verde.
of El Paso.	Towery.
Herzik.	Wagstaff.
Holland.	Wiggs.
Holloway.	

Absent—Excused.

Bradley.	Davis.
Coltrin.	Jones of Atascosa.
Coombes.	Moore.

MESSAGE FROM THE GOVERNOR.

Mr. Pat Dougherty, Secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Executive Office,

Austin, Texas, August 12, 1931.

To the Forty-second Legislature:

I understand that a bill has been passed in the House amending Article 2350, Revised Civil Statutes of 1925, as amended by Chapter 290 of the Regular Session of the Fortieth Legislature, as amended by Chapter 46 of the First Called Session of the Fortieth Legislature. I am informed further that a point of order has been sustained in the Senate against the passage of this bill for lack of my submitting the subject.

At the special instance and request of the legislators from the district af-

fectured by this bill, I hereby submit this subject to you for your consideration.

Respectfully submitted,
R. S. STERLING,
Governor.

MOTION TO SUSPEND CERTAIN RULE.

Mr. McGregor moved to suspend the 72-hour rule until 3:30 o'clock p. m. today.

The motion was lost (not receiving the necessary two-thirds votes) by the following vote:

Yeas—78.

Mr. Speaker.	Justiss.
Adams of Harris.	Kayton.
Adams of Jasper.	Keller.
Adkins.	Lasseter.
Alsup.	Lemens.
Anderson.	Lilley.
Baker.	McCombs.
Bedford.	McGill.
Bounds.	McGregor.
Boyd.	Magee.
Carpenter.	Mehl.
Claunch.	Morse.
Cox of Limestone.	Munson.
Cunningham.	Murphy.
DeWolfe.	Olsen.
Donnell.	Patterson.
Dowell.	Petsch.
Dunlap.	Ratliff.
Dwyer.	Reader.
Forbes.	Sanders.
Ford.	Satterwhite.
Fuchs.	Savage.
Gilbert.	Shelton.
Giles.	Smith of Wood.
Goodman.	Sparkman.
Grogan.	Steward.
Harrison	Strong.
of Waller.	Sullivant.
Hill.	Tarwater.
Holder.	Terrell
Holloway.	of Val Verde.
Hoskins.	Towery.
Howsley.	Turner.
Hubbard.	Van Zandt.
Hughes.	Walker.
Johnson	Warwick.
of Dallam.	West of Coryell.
Johnson	West of Cameron.
of Dimmit.	Westbrook.
Johnson of Morris.	Wyatt.
Jones of Shelby.	Young.

Nays—41.

Adamson.	Bond.
Akin.	Brice.
Albritton.	Brooks.
Barron.	Bryant.

Burns of Walker.	Hefley.
Burns	Kennedy.
of McCulloch.	Laird.
Dale.	Long.
Daniel.	McDougald.
Dodd.	Mathis.
Elliott.	Moffett.
Engelhard.	Nicholson.
Farmer.	O'Quinn.
Farrar.	Ray.
Finn.	Rogers.
Fisher.	Scott.
Graves.	Sherrill.
Greathouse.	Smith of Bastrop.
Hanson.	Stevenson.
Hardy.	Vaughan.
Hatchitt.	Veatch.

Present—Not Voting.

Stephens.

Absent.

Beck.	Leonard.
Caven.	Lockhart.
Cox of Lamar.	Martin.
Duvall.	Metcalfe.
Ferguson.	Pope.
Harman.	Ramsey.
Harrison	Richardson.
of El Paso.	Rountree.
Herzik.	Terrell
Hines.	of Cherokee.
Holland.	Wagstaff.
Jackson.	Weinert.
Lee.	Wiggs.

Absent—Excused.

Bradley.	Davis.
Coltrin.	Jones of Atascosa.
Coombes.	Moore.

SENATE BILL NO. 53 ON SECOND READING.

Mr. McGregor asked unanimous consent of the House that the 72-hour rule be suspended at this time to take up and consider Senate bill No. 53.

There was no objection offered, and it was so ordered.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 53, A bill to be entitled "An Act amending Section 1 of Chapter 129 of the General Laws of the State of Texas by the Forty-second Legislature, so that the same shall hereafter read that the Centennial Committee therein created shall be composed of twenty-one members instead of nine, and providing for their appointment, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 53 ON THIRD READING.

Mr. McGregor moved that the constitutional rule requiring bills to be read on three several days be suspended, and that Senate bill No. 53 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—102.

Adams of Harris.	Johnson
Adams of Jasper.	of Dimmit.
Adamson.	Johnson of Morris.
Adkins.	Jones of Shelby.
Akin.	Justiss.
Albritton.	Kayton.
Alsup.	Keller.
Anderson.	Kennedy.
Barron.	Laird.
Bedford.	Lasseter.
Bond.	Lemens.
Bounds.	Lilley.
Boyd.	Long.
Brice.	McCombs.
Brooks.	McGill.
Bryant.	McGregor.
Burns of Walker.	Magee.
Burns	Mathis.
of McCulloch.	Mehl.
Carpenter.	Morse.
Claunch.	Munson.
Cox of Limestone.	Murphy.
Cunningham.	Nicholson.
Dale.	Olsen.
DeWolfe.	O'Quinn.
Donnell.	Patterson.
Dowell.	Petsch.
Elliott.	Ratliff.
Farrar.	Reader.
Forbes.	Rogers.
Ford.	Sanders.
Gilbert.	Satterwhite.
Giles.	Savage.
Goodman.	Scott.
Graves.	Shelton.
Grogan.	Smith of Bastrop.
Hanson.	Smith of Wood.
Hardy.	Sparkman.
Hatchitt.	Stephens.
Hefley.	Stevenson.
Hill.	Steward.
Holder.	Strong.
Holloway.	Sullivant.
Hoskins.	Tarwater.
Howsley.	Towery.
Hubbard.	Turner.
Hughes.	Van Zandt.
Johnson	Vaughan.
of Dallam.	Veatch.

Walker.	Westbrook.
Warwick.	Wyatt.
West of Coryell.	Young.
West of Cameron.	

Nays—3.

Dodd.	Fisher.
Farmer.	

Absent.

Baker.	Jackson.
Beck.	Lee.
Caven.	Leonard.
Cox of Lamar.	Lockhart.
Daniel.	McDougald.
Dunlap.	Martin.
Duvall.	Metcalf.
Dwyer.	Moffett.
Englehard.	Pope.
Ferguson.	Ramsey.
Finn.	Ray.
Fuchs.	Richardson.
Greathouse.	Rountree.
Harman.	Sherrill.
Harrison	Terrell
of El Paso.	of Cherokee.
Harrison	Terrell
of Waller.	of Val Verde.
Herzik.	Wagstaff.
Hines.	Weinert.
Holland.	Wiggs.

Absent—Excused.

Bradley.	Davis.
Coltrin.	Jones of Atascosa.
Coombes.	Moore.

The Speaker then laid Senate bill No. 53 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—107.

Adams of Harris.	Claunch.
Adams of Jasper.	Cox of Limestone.
Adamson.	Cunningham.
Adkins.	Dale.
Akin.	Daniel.
Albritton.	DeWolfe.
Alsup.	Dodd.
Anderson.	Donnell.
Barron.	Dowell.
Bedford.	Dunlap.
Bond.	Elliott.
Bounds.	Engelhard.
Boyd.	Farrar.
Brice.	Fisher.
Brooks.	Forbes.
Bryant.	Ford.
Burns of Walker.	Gilbert.
Burns	Giles.
of McCulloch.	Goodman.
Carpenter.	Graves.

Greathouse.	Metcalfe.
Grogan.	Moffett.
Hanson.	Morse.
Hardy.	Munson.
Harrison	Murphy.
of El Paso.	Nicholson.
Hatchitt.	Olsen.
Hefley.	Patterson.
Hill.	Petsch.
Holder.	Ratliff.
Hoskins.	Reader.
Howsley.	Satterwhite.
Hubbard.	Savage.
Hughes.	Scott.
Johnson	Shelton.
of Dallam.	Smith of Bastrop.
Johnson	Sparkman.
of Dimmit.	Stephens.
Johnson of Morris.	Stevenson.
Jones of Shelby.	Steward.
Justiss.	Strong.
Kayton.	Sullivant.
Keller.	Tarwater.
Kennedy.	Towery.
Laird.	Turner.
Lasseter.	Van Zandt.
Lee.	Vaughan.
Lemens.	Veatch.
Leonard.	Walker.
Lilley.	Warwick.
Long.	West of Coryell.
McCombs.	West of Cameron.
McGill.	Westbrook.
McGregor.	Wyatt.
Magee.	Young.
Mehl.	

Nays—1.

Farmer.

Absent.

Baker.	Martin.
Beck.	Mathis.
Caven.	O'Quinn.
Cox of Lamar.	Pope.
Duvall.	Ramsey.
Dwyer.	Ray.
Ferguson.	Richardson.
Finn.	Rogers.
Fuchs.	Rountree.
Harman.	Sanders.
Harrison	Sherrill.
of Waller.	Smith of Wood.
Herzik.	Terrell
Hines.	of Cherokee.
Holland.	Terrell
Holloway.	of Val Verde.
Jackson.	Wagstaff.
Lockhart.	Weinert.
McDougald.	Wiggs.

Absent—Excused.

Bradley.	Davis.
Coltrin.	Jones of Atascosa.
Coombes.	Moore.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER.

The Speaker signed in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolutions:

H. B. No. 49, "An Act creating the One Hundred and Twenty-fourth Judicial District, to be constituted of Gregg county, Texas, only; fixing the time during which said court shall exist; providing for the terms thereof; providing that the clerk of the Seventy-first Judicial District Court of Gregg county, Texas, shall serve as clerk of said One Hundred and Twenty-fourth Judicial District; and providing for the duties of the district clerk of said One Hundred and Twenty-fourth Judicial District; and providing for the appointment of the judge thereof and his compensation; providing for the transfer of cases from the Seventy-first Judicial District Court of Gregg county to said One Hundred and Twenty-fourth Judicial District Court and from the said One Hundred and Twenty-fourth Judicial District Court to the Seventy-first Judicial District Court of Gregg county; and providing for the jurisdiction of said court; creating the office of criminal district attorney of the One Hundred and Twenty-fourth Judicial District of Texas; providing that the county attorney of Gregg county shall assume the duties of such office until the next general election; providing for the election of the criminal district attorney thereafter; prescribing his duties, tenure of office, compensation, qualifications, taking the official oath and giving bond; authorizing said criminal district attorney to appoint assistants, fixing their compensation and providing for the payment of same out of the fees of office, and prescribing their duties, etc., and declaring an emergency."

H. B. No. 12, "An Act providing that it shall be unlawful to throw, cast, discharge or deposit crude petroleum, salt water and certain other substances in or on any stream, water course or other body of water of this State; providing that salt water may be discharged into the tidal waters of this State, and that sulphur water, when so treated that it is not harmful to aquatic life or marine organ-

isms, may be deposited in the tidal waters of this State; providing for the enforcement of this act, disposition of fines, and fees of the arresting officer; and providing that it shall be cumulative of all other laws on this subject, and declaring an emergency."

H. B. No. 30, "An Act creating a closed season on wild deer, buck, doe, and fawn, for a period of five years in the counties of Harrison, Marion, Red River, Bowie, Cass, Morris and Titus, in the State of Texas; making it unlawful for any person to hunt, trap, ensnare, kill or attempt to kill, by any means whatsoever, any wild deer, buck, doe or fawn within said counties for a period of five years; providing a penalty therefor, and declaring an emergency."

S. B. No. 47, "An Act amending Article 2832, Revised Civil Statutes of Texas, 1925, as amended by Senate bill No. 563, approved May 29, 1931, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

S. B. No. 41, "An Act to provide free tuition for all pupils over six years of age and not over twenty-one years of age in certain school districts; to provide for length of free term to be allowed transferred pupils; to provide for part-time schools, continuation schools and evening schools for the purpose of the better education of adults; to define the meaning of high school grades; repealing all laws in conflict herewith, and declaring an emergency."

H. C. R. No. 17, To correct House bill No. 73.

H. C. R. No. 18, To correct House bill No. 37.

RECESS.

On motion of Mr. Patterson, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by the Speaker.

RELATIVE TO TEXAS COTTON CO-OPERATIVE ASSOCIATION.

Mr. Sanders made the following motion:

"I move that the committees created by House concurrent resolution No. 58, and Senate simple resolution No. 123, be instructed to co-operate with the Attorney General's Department to the extent that a full and complete investigation may be made of the Texas Cotton Co-Operative Association."

Mr. Engelhard raised a point of order on further consideration of the motion on the ground that the resolution under which the committee was appointed does not give the committee the power to make this investigation.

The Speaker overruled the point of order.

Question then recurring on the motion by Mr. Sanders, it prevailed.

SENATE BILL NO. 12 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 12, A bill to be entitled "An Act conserving and protecting, for the use of the public, buffaloes in Texas; making it unlawful for any person to kill, sell or transport the same except under certain conditions, and providing for a method of condemning the same by a State Game, Fish and Oyster Commission, in order that buffaloes may be conserved and protected against destruction providing the procedure therefor, and declaring an emergency."

The bill was read second time.

Mr. Burns of McCulloch moved the previous question on the passage of the bill, and the main question was ordered.

Senate bill No. 12 was then passed by the following vote:

Yeas—79.

Adams of Jasper.	Dowell.
Adamson.	Dunlap.
Albritton.	Engelhard.
Alsup.	Ferguson.
Anderson.	Forbes.
Baker.	Gilbert.
Barron.	Giles.
Beck.	Hardy.
Bounds.	Harrison
Boyd.	of El Paso.
Bryant.	Hines.
Carpenter.	Holder.
Caven.	Holloway.
Cox of Limestone.	Hoskins.
Cunningham.	Howsley.
DeWolfe.	Hughes.
Donnell.	Jackson.

Johnson of Dallam.	Ratliff.
Johnson of Morris.	Ray.
Keller.	Reader.
Laird.	Richardson.
Lee.	Rountree.
Lemens.	Sanders.
Leonard.	Satterwhite.
Lilley.	Sherrill.
Lockhart.	Smith of Bastrop.
Long.	Sullivant.
McCombs.	Tarwater.
McDougald.	Terrell
McGill.	of Cherokee.
McGregor.	Terrell
Magee.	of Val Verde.
Mehl.	Towery.
Moffett.	Van Zandt.
Morse.	Veatch.
Munson.	Warwick.
Nicholson.	Weinert.
Olsen.	West of Coryell.
O'Quinn.	West of Cameron.
Patterson.	Westbrook.
Petsch.	Young.

Nays—28.

Adkins.	Hanson.
Akin.	Harman.
Brice.	Herzik.
Burns of Walker.	Johnson
Claunch.	of Dimmit.
Cox of Lamar.	Jones of Shelby.
Dale.	Kennedy.
Dodd.	Rogers.
Elliott.	Savage.
Farmer.	Sparkman.
Farrar.	Stephens.
Fisher.	Turner.
Fuchs.	Vaughan.
Goodman.	Walker.
Greathouse.	

Present—Not Voting.

Holland.

Absent.

Adams of Harris.	Justiss.
Bedford.	Kayton.
Bond.	Lasseter.
Brooks.	Martin.
Burns	Mathis.
of McCulloch.	Metcalfe.
Daniel.	Murphy.
Duvall.	Pope.
Dwyer.	Ramsey.
Finn.	Scott.
Ford.	Shelton.
Graves.	Smith of Wood.
Grogan.	Stevenson.
Hatchitt.	Steward.
Harrison	Strong.
of Waller.	Wagstaff.
Hefley.	Wiggs.
Hill.	Wyatt.
Hubbard.	

Absent—Excused.

Bradley.	Davis.
Coltrin.	Jones of Atascosa.
Coombes.	Moore.

SENATE BILL NO. 37 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 37, A bill to be entitled "An Act providing for the preservation of and preventing the destruction in utilization and removal of certain native plants and cacti, prehistoric bones and relics, etc., and declaring an emergency."

The bill was read third time.

Mr. Patterson offered the following amendment to the bill:

Amend Senate bill No. 37 by adding the following sections immediately following Section 2:

"Section 3. That it shall be unlawful in any section of the State of Texas for any person to wilfully pick, pull, pull up, tear up, dig up, cut, break, injure, burn or destroy any tree, shrub, vine, flower, moss, or turf growing or being upon any State or county highway, or upon the land of another whether enclosed or not, or upon any land reserved, set aside, or maintained by this State as a public park, or as a preserve or sanctuary for trees, plants, wild animals, birds or fish, without having previously obtained the permission of such owner or his agents, or of the superintendent or custodian of such park, refuge, or sanctuary, so to do. The provisions of this section shall not apply to the clearance and maintenance of rights of way by those engaged in the business of a public utility.

"Section 4. That it shall be unlawful in any section of the State of Texas for any person to transport, carry or convey, on any public highway, or to sell or expose for sale in any place any maple, holly, youpon, smilax, dogwood, haw, redbud (Judas tree), greybeard (white ash, granddad's beard) (fringe tree), jessamine, honeysuckle (vine or shrub), woodbine, golden rod, mountain laurel, bluebonnets, Indian blankets (Indian paint brushes), gentians, brown-eyed Susans (Texas blue bells), gay feathers (blazing star of liatris), wild or native, magnolia, cypress, trumpet

vine, Virginia creeper, phlox, candy-tuft, verbena, clematic, huisatche gum, wild persimmon, sumach, oak, or evergreen decorative trees, shrubs, vines, flowers, ferns, moss or turf which has been gathered, picked, cut or dug in violation of this act.

"Provided, however, that in any prosecution under this section it shall be a defense, the proof whereof shall lie upon the defendant, that the plants or the flowers, roots, bulbs, or other parts thereof transported, carried or conveyed, or sold, or offered for sale by him were grown under cultivation, or were taken from his own land or land under lease by him or were taken from land of another with such other's previous written permission.

"Provided, further, that this act shall not apply to flowers, shrubs, etc., taken for scientific purposes within this State."

PATTERSON,
MORSE.

On motion of Mr. Burns of Walker, the amendment was tabled.

Senate bill No. 37 then failed to pass by the following vote:

Yeas—36.

Adams of Harris.	Moffett.
Baker.	Morse.
Beck.	Munson.
Bounds.	Nicholson.
Boyd.	O'Quinn.
Carpenter.	Patterson.
Cox of Limestone.	Petsch.
Engelhard.	Rountree.
Ferguson.	Sanders.
Forbes.	Satterwhite.
Gilbert.	Smith of Bastrop.
Giles.	Smith of Wood.
Hoskins.	Sparkman.
Howsley.	Strong.
Hughes.	Terrell
Johnson	of Val Verde.
of Dimmit.	Turner.
Keller.	Walker.
McGill.	West of Coryell.

Nays—73.

Adams of Jasper.	Burns of Walker.
Adamson.	Burns
Adkins.	of McCulloch.
Akin.	Caven.
Albritton.	Claunch.
Alsup.	Cox of Lamar.
Anderson.	Daniel.
Barron.	DeWolfe.
Bond.	Dodd.
Brice.	Donnell.
Bryant.	Dwyer.

Elliott.	Lockhart.
Farmer.	Long.
Farrar.	McDougald.
Fisher.	Magee.
Ford.	Mathis.
Fuchs.	Mehl.
Goodman.	Olsen.
Greathouse.	Ramsey.
Grogan.	Ratliff.
Hanson.	Ray.
Hardy.	Reader.
Harman.	Richardson.
Hatchitt.	Rogers.
Herzik.	Savage.
Hines.	Sherrill.
Holder.	Stephens.
Holland.	Tarwater.
Jackson.	Towery.
Johnson of Morris.	Van Zandt.
Jones of Shelby.	Vaughan.
Kennedy.	Veatch.
Laird.	Warwick.
Lasseter.	Weinert.
Lee.	West of Cameron.
Lemens.	Westbrook.
Lilley.	Wiggs.

Absent.

Bedford.	Justiss.
Brooks.	Kayton.
Cunningham.	Leonard.
Dale.	McCombs.
Dowell.	McGregor.
Dunlap.	Martin.
Duvall.	Metcalfe.
Finn.	Murphy.
Graves.	Pope.
Harrison	Scott.
of El Paso.	Shelton.
Harrison	Stevenson.
of Waller.	Steward.
Hefley.	Sullivant.
Hill.	Terrell
Holloway.	of Cherokee.
Hubbard.	Wagstaff.
Johnson	Wyatt.
of Dallam.	Young.

Absent—Excused.

Bradley.	Davis.
Coltrin.	Jones of Atascosa.
Coombes.	Moore.

Mr. McDougald moved to reconsider the vote by which the bill failed to pass.

Mr. Greathouse moved to table the motion to reconsider.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—51.

Adamson.	Akin.
Adkins.	Albritton.

Alsup.	Hoskins.
Barron.	Howsley.
Brice.	Jones of Shelby.
Bryant.	Justiss.
Burns of Walker.	Kennedy.
Burns	Lasseter.
of McCulloch.	Lemens.
Caven.	Lilley.
Claunch.	Lockhart.
Cox of Lamar.	Magee.
Daniel.	Olsen.
DeWolfe.	Petsch.
Dodd.	Ratliff.
Farmer.	Ray.
Farrar.	Savage.
Fisher.	Smith of Bastrop.
Ford.	Terrell
Goodman.	of Cherokee.
Greathouse.	Towery.
Hanson.	Turner.
Hardy.	Veatch.
Herzik.	Weinert.
Hines.	Westbrook.
Holder.	Wiggs.
Holloway.	

Nays—58.

Adams of Harris.	McDougald.
Adams of Jasper.	McGill.
Baker.	Mathis.
Beck.	Mehl.
Bounds.	Moffett.
Boyd.	Morse.
Carpenter.	Munson.
Cox of Limestone.	Nicholson.
Cunningham.	O'Quinn.
Donnell.	Patterson.
Dowell.	Reader.
Elliott.	Richardson.
Engelhard.	Rogers.
Ferguson.	Rountree.
Forbes.	Sanders.
Fuchs.	Satterwhite.
Gilbert.	Scott.
Giles.	Shelton.
Harrison	Smith of Wood.
of Waller.	Sparkman.
Hatchitt.	Stephens.
Hughes.	Tarwater.
Jackson.	Terrell
Johnson	of Val Verde.
of Dimmit.	Van Zandt.
Johnson of Morris.	Vaughan.
Keller.	Wagstaff.
Laird.	Walker.
Leonard.	Warwick.
Long.	West of Coryell.
McCombs.	

Absent.

Anderson.	Duvall.
Bedford.	Dwyer.
Bond.	Finn.
Brooks.	Graves.
Dale.	Grogan.
Dunlap.	Harman.

Harrison	Metcalf.
of El Paso.	Murphy.
Hefley.	Pope.
Hill.	Ramsey.
Holland.	Sherrill.
Hubbard.	Stevenson.
Johnson	Steward.
of Dallam.	Strong.
Kayton.	Sullivant.
Lee.	West of Cameron.
McGregor.	Wyatt.
Martin.	Young.

Absent—Excused.

Bradley.	Davis.
Coltrin.	Jones of Atascosa.
Coombes.	Moore.

Question then recurring on the motion to reconsider, it prevailed by the following vote:

Yeas—64.

Adams of Harris.	McDougald.
Adams of Jasper.	McGill.
Baker.	Mathis.
Bond.	Mehl.
Bounds.	Moffett.
Boyd.	Morse.
Carpenter.	Munson.
Cox of Limestone.	Nicholson.
Cunningham.	O'Quinn.
Donnell.	Patterson.
Dowell.	Petsch.
Elliott.	Reader.
Engelhard.	Richardson.
Ferguson.	Rogers.
Forbes.	Rountree.
Fuchs.	Sanders.
Gilbert.	Satterwhite.
Giles.	Scott.
Harrison	Shelton.
of El Paso.	Smith of Wood.
Hatchitt.	Sparkman.
Holder.	Stephens.
Hoskins.	Strong.
Howsley.	Terrell
Hughes.	of Val Verde.
Jackson.	Turner.
Johnson	Van Zandt.
of Dimmit.	Vaughan.
Justiss.	Walker.
Keller.	Warwick.
Laird.	Weinert.
Leonard.	West of Coryell.
Long.	Westbrook.
McCombs.	

Nays—44.

Adamson.	Bryant.
Adkins.	Burns of Walker.
Akin.	Burns
Albritton.	of McCulloch.
Alsup.	Caven.
Barron.	Claunch.
Brice.	Cox of Lamar.

Daniel.	Jones of Shelby.
DeWolfe.	Kennedy.
Dodd.	Lasseter.
Farmer.	Lemens.
Farrar.	Lilley.
Fisher.	Lockhart.
Ford.	Magee.
Goodman.	Olsen.
Greathouse.	Ratliff.
Grogan.	Ray.
Hanson.	Savage.
Hardy.	Smith of Bastrop.
Herzik.	Terrell
Hines.	of Cherokee.
Holloway.	Towery.
Johnson of Morris.	Veatch.

Absent.

Anderson.	Kayton.
Beck.	Lee.
Bedford.	McGregor.
Brooks.	Martin.
Dale.	Metcalfe.
Dunlap.	Murphy.
Duvall.	Pope.
Dwyer.	Ramsey.
Finn.	Sherrill.
Graves.	Stevenson.
Harman.	Steward.
Harrison	Sullivant.
of Waller.	Tarwater.
Hefley.	Wagstaff.
Hill.	West of Cameron.
Holland.	Wiggs.
Hubbard.	Wyatt.
Johnson	Young.
of Dallam.	

Absent—Excused.

Bradley.	Davis.
Coltrin.	Jones of Atascosa.
Coombes.	Moore.

Mr. Harrison of El Paso offered the following amendments to the bill:

(1)

Amend Senate bill No. 37 by striking out all that portion thereof designated as "B" beginning with line 24, page 2, mimeographed copy, and ending with the word "Section 1" in line 1, page 3, and renumber the sections accordingly.

(2)

Amend Senate bill No. 37 by striking out the words "or cacti plant life" and "cacti plant life" wherever they appear therein.

(3)

Amend Senate bill No. 37 by striking out that portion of Section 1 beginning with the word "ten," line 25

of the mimeographed copy, and continuing until the word "imprisonment," mimeographed copy, and insert in lieu thereof the following: "one dollar (\$1) and not more than twenty-five dollars (\$25)."

(4)

Amend Senate bill No. 37 by striking out the words beginning with the word "or," line 18, page 2, mimeographed copy, and ending with the word "same," line 19, page 2, mimeographed copy.

McGILL,
HARRISON of El Paso,
JACKSON.

The amendments were severally adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

Senate bill No. 37 was then passed.

SENATE BILL NO. 56 ON SECOND READING.

Mr. Sanders moved that the 72-hour rule, which relates to the consideration of bills, be suspended for the purpose of taking up and considering Senate bill No. 56.

The motion prevailed by the following vote:

Yeas—74.

Mr. Speaker.	Holland.
Adams of Harris.	Holloway.
Adams of Jasper.	Hoskins.
Alsup.	Howsley.
Beck.	Hubbard.
Bounds.	Hughes.
Boyd.	Jackson.
Brice.	Johnson
Burns of Walker.	of Dallam.
Burns	Johnson
of McCulloch.	of Dimmit.
Carpenter.	Johnson of Morris.
Caven.	Justiss.
Cox of Limestone.	Keller.
Cunningham.	Kennedy.
Daniel.	Laird.
DeWolfe.	Lemens.
Dodd.	Leonard.
Dowell.	McCombs.
Ferguson.	McDougald.
Forbes.	McGill.
Gilbert.	Magee.
Grogan.	Mathis.
Harrison	Mehl.
of El Paso.	Morse.
Herzik.	Munson.
Holder.	Olsen.

O'Quinn.	Smith of Wood.
Petsch.	Sparkman.
Ramsey.	Strong.
Ratliff.	Terrell
Ray.	of Val Verde.
Reader.	Turner.
Richardson.	Van Zandt.
Rountree.	Veatch.
Sanders.	Walker.
Satterwhite.	West of Coryell.
Savage.	West of Cameron.
Shelton.	Young.
Smith of Bastrop.	

Nays—37.

Adamson.	Harman.
Akin.	Hines.
Albritton.	Lockhart.
Baker.	Long.
Claunch.	Moffett.
Cox of Lamar.	Murphy.
Dale.	Nicholson.
Donnell.	Rogers.
Elliott.	Scott.
Engelhard.	Sherrill.
Farmer.	Stephens.
Farrar.	Tarwater.
Fisher.	Terrell
Ford.	of Cherokee.
Fuchs.	Towery.
Goodman.	Vaughan.
Greathouse.	Warwick.
Hanson.	Weinert.
Hardy.	Westbrook.

Absent.

Adkins.	Hill.
Anderson.	Jones of Shelby.
Barron.	Kayton.
Bedford.	Lasseter.
Bond.	Lee.
Brooks.	Lilley.
Bryant.	McGregor.
Dunlap.	Martin.
Duvall.	Metcalf.
Dwyer.	Patterson.
Finn.	Pope.
Giles.	Stevenson.
Graves.	Steward.
Harrison	Sullivan.
of Waller.	Wagstaff.
Hatchitt.	Wiggs.
Hefley.	Wyatt.

Absent—Excused.

Bradley.	Davis.
Coltrin.	Jones of Atascosa.
Coombes.	Moore.

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 56, A bill to be entitled "An Act making an emergency appropriation of money to the Division

of Child Welfare of the State Board of Control for the support, maintenance and operation of said Division for the two years beginning September 1, 1931, and ending August 31, 1933; providing the transfer of a portion of such appropriated amounts from other appropriated funds; prescribing means and manner of expenditure, and declaring an emergency."

The bill was read second time, and was passed to third reading.

MOTION TO TAKE UP SENATE BILL NO. 56.

Mr. Sanders moved that the constitutional rule requiring bills to be read on three several days be suspended, and that Senate bill No. 56 be placed on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by the following vote:

Yeas—93.

Mr. Speaker.	Holder.
Adams of Harris.	Holland.
Adams of Jasper.	Holloway.
Akin.	Hoskins.
Alsup.	Howsley.
Anderson.	Hubbard.
Barron.	Hughes.
Beck.	Jackson.
Bounds.	Johnson
Boyd.	of Dallam.
Brice.	Johnson
Bryant.	of Dimmit.
Burns of Walker.	Johnson of Morris.
Burns	Jones of Shelby.
of McCulloch.	Justiss.
Carpenter.	Kayton.
Claunch.	Keller.
Cox of Lamar.	Kennedy.
Cox of Limestone.	Laird.
Cunningham.	Lee.
Daniel.	Lemens.
DeWolfe.	Lilley.
Dodd.	Lockhart.
Dowell.	McDougald.
Dunlap.	Magee.
Dwyer.	McGregor.
Ferguson.	Mathis.
Fisher.	Mehl.
Forbes.	Metcalf.
Gilbert.	Moffett.
Gles.	Morse.
Greathouse.	Munson.
Grogan.	Nicholson.
Hanson.	Olsen.
Hardy.	O'Quinn.
Harrison	Patterson.
of El Paso.	Petsch.
Hill.	Ramsey.
Hines.	Ratliff.

Ray.	Strong.
Richardson.	Terrell
Sanders.	of Val Verde.
Satterwhite.	Towery.
Savage.	Van Zandt.
Shelton.	Veatch.
Sherrill.	Walker.
Smith of Bastrop.	West of Coryell.
Smith of Wood.	West of Cameron.
Sparkman.	Young.

Nays—26.

Adamson.	Herzik.
Adkins.	Lasseter.
Albritton.	Long.
Baker.	Rogers.
Bond.	Scott.
Brooks.	Stephens.
Dale.	Tarwater.
Elliott.	Terrell
Engelhard.	of Cherokee.
Farmer.	Turner.
Farrar.	Vaughan.
Fuchs.	Warwick.
Goodman.	Weinert.
Harman.	

Absent.

Bedford.	McGill.
Caven.	Martin.
Donnell.	Murphy.
Duvall.	Pope.
Finn.	Reader.
Ford.	Rountree.
Graves.	Stevenson.
Harrison	Steward.
of Waller.	Sullivant.
Hatchitt.	Wagstaff.
Hefley.	Westbrook.
Leonard.	Wiggs.
McCombs.	Wyatt.

Absent—Excused.

Bradley.	Davis.
Coltrin.	Jones of Atascosa.
Coombes.	Moore.

Reason for Vote.

During the Regular Session of the Forty-second Legislature, in order to get the above Child Welfare Bill passed, we agreed we would not ask for an appropriation for same during this biennium; therefore, to keep my promise, I vote "nay."

STRONG.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, August 12, 1931.
Hon. Fred H. Minor, Speaker of the
House of Representatives.
Sir: I am directed by the Senate

to inform the House that the Senate has concurred in House amendments to Senate Bill No. 35 by a viva voce vote.

Respectfully,

BOB BARKER,
Secretary of the Senate.

BILLS AND RESOLUTION SIGNED
BY THE SPEAKER.

The Speaker signed in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolution:

S. B. No. 49, "An Act validating all issues of funding and refunding notes, bonds, warrants, time warrants and treasury warrants heretofore issued or authorized to be issued by any and all cities in the State, whether incorporated under General or Special Laws, and declaring an emergency."

H. B. No. 37, "An Act amending House bill No. 943, passed at the Regular Session of the Forty-second Legislature of the State of Texas, being Chapter 159, page 311, of the Special Laws of the State of Texas; repealing all laws in conflict with said act, and declaring an emergency."

S. B. No. 35, "An Act to amend House bill No. 312, known as the Bond and Warrant Law of 1931, passed by the Forty-second Legislature at the Regular Session thereof, by adding thereto a new section to be designated as Section 11a, providing that nothing contained in said act shall be construed as requiring any city to give notice as a condition precedent to issuing warrants payable out of current funds of such city, and the issuance of any such warrants by any such city shall not be subject to the terms and provisions of said act, and declaring an emergency."

H. B. No. 73, "An Act to conserve fish in the Angelina, Attoyoc, Sabine and Neches Rivers and their tributaries in certain counties, and permitting the use of nets of a certain size."

H. C. R. No. 7, Requesting Governor Sterling to submit the subject of taxation to be considered during present session.

H. B. No. 48, "An Act to validate all ad valorem tax levies and assessments heretofore made by incorporated cities and towns in the State of

Texas which levies are unenforceable because of failure of the governing bodies of such respective incorporated cities and towns to make such levy by ordinance, and which are unenforceable because of the failure of such governing bodies to appoint the statutory board of equalization, or where the city council, city commission or other governing body of such incorporated city or town have acted as a board of equalization in the fixing of the valuation of taxable property for ad valorem taxes within any such incorporated city or town, and declaring an emergency."

MOTION TO SUSPEND CERTAIN RULE.

Mrs. Strong moved that the 72-hour rule be suspended at this time to take up and consider Senate bill No. 42.

The motion was lost.

SENATE BILL NO. 54 ON SECOND READING.

Mr. Keller moved that the 72-hour House rule, which relates to the consideration of bills, be suspended to take up and consider Senate bill No. 54.

The motion prevailed by the following vote:

Yeas—77.

Adams of Jasper.	Harrison
Adamson.	of El Paso.
Adkins.	Harrison
Albritton.	of Waller.
Alsup.	Hatchitt.
Anderson.	Hill.
Bounds.	Hines.
Boyd.	Holloway.
Bryant.	Hoskins.
Burns of Walker.	Howsley.
Carpenter.	Hubbard.
Claunch.	Hughes.
Cox of Lamar.	Jackson.
Cox of Limestone.	Johnson
Cunningham.	of Dimmit.
Daniel.	Johnson of Morris.
DeWolfe.	Jones of Shelby.
Dodd.	Kayton.
Dowell.	Keller.
Engelhard.	Laird.
Farrar.	Lasseter.
Ferguson.	Lemens.
Forbes.	Lilley.
Gilbert.	Long.
Greathouse.	McDougald.
Grogan.	McGill.
Hanson.	Magee.
Hardy.	Mathis.
Harman.	Mehl.

Metcalf.
Morse.
Munson.
Murphy.
O'Quinn.
Ratliff.
Ray.
Richardson.
Rogers.
Sanders.
Satterwhite.
Sparkman.

Steward.
Strong.
Tarwater.
Terrell
of Val Verde.
Van Zandt.
Vaughan.
Veatch.
Walker.
Warwick.
West of Cameron.

Nays—28.

Akin.
Baker.
Barron.
Bedford.
Burns
of McCulloch.
Dale.
Elliott.
Farmer.
Fisher.
Fuchs.
Goodman.
Hefley.
Herzik.
Holland.

Justiss.
Kennedy.
Lee.
Lockhart.
Moffett.
Olsen.
Patterson.
Scott.
Sherrill.
Smith of Bastrop.
Smith of Wood.
Towery.
Weinert.
West of Coryell.

Absent.

Adams of Harris.	Martin.
Beck.	Nicholson.
Bond.	Petsch.
Brice.	Pope.
Brooks.	Ramsey.
Caven.	Reader.
Donnell.	Rountree.
Dunlap.	Savage.
Duvall.	Shelton.
Dwyer.	Stephens.
Finn.	Stevenson.
Ford.	Sullivant.
Giles.	Terrell
Graves.	of Cherokee.
Holder.	Turner.
Johnson	Wagstaff.
of Dallam.	Westbrook.
Leonard.	Wiggs.
McCombs.	Wyatt.
McGregor.	Young.

Absent—Excused.

Bradley.	Davis.
Coltrin.	Jones of Atascosa.
Coombes.	Moore.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 54, A bill to be entitled "An Act to validate the incorporation of all cities and towns incorporated, or attempted to be incorporated, under the General Laws of Texas, where,

by inadvertence, oversight or mistake the field notes of such cities or towns were incorrectly set forth or where any other irregularity was had in the proceedings for the incorporation of such cities or towns, where such cities or towns have been operating and acting as such cities or towns and where the governing body of such cities or towns has, or have, entered an ordinance correcting and setting forth the true field notes of the territory incorporated or attempted to be incorporated or where the governing bodies of such cities or towns has, or have, entered an ordinance correcting such irregularity or irregularities, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 54 ON THIRD READING.

Mr. Keller moved that the constitutional rule requiring bills to be read on three several days be suspended, and that Senate bill No. 54 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—100.

Mr. Speaker.	Forbes.
Adams of Harris.	Ford.
Adams of Jasper.	Fuchs.
Adamson.	Gilbert.
Adkins.	Giles.
Akin.	Greathouse.
Albritton.	Grogan.
Alsup.	Hanson.
Anderson.	Hardy.
Baker.	Harman.
Beck.	Harrison
Bedford.	of El Paso.
Bounds.	Hatchitt.
Boyd.	Hefley.
Brooks.	Herzik.
Bryant.	Hill.
Burns of Walker.	Hines.
Burns	Holloway.
of McCulloch.	Hoskins.
Carpenter.	Howsley.
Claunch.	Hubbard.
Cox of Lamar.	Hughes.
Cox of Limestone.	Jackson.
Cunningham.	Johnson
Daniel.	of Dallam.
DeWolfe.	Johnson
Dodd.	of Dimmit.
Donnell.	Johnson of Morris.
Dunlap.	Jones of Shelby.
Engelhard.	Justiss.
Farrar.	Kayton.
Ferguson.	Kennedy.

Laird.	Satterwhite.
Lasseter.	Shelton.
Lemens.	Sherrill.
Leonard.	Smith of Bastrop.
Lilley.	Sparkman.
Lockhart.	Steward.
Long.	Strong.
McDougald.	Tarwater.
McGill.	Terrell
McGregor.	of Cherokee.
Magee.	Towery.
Mehl.	Van Zandt.
Metcalfe.	Vaughan.
Munson.	Walker.
Nicholson.	Warwick.
Olsen.	Weinert.
O'Quinn.	West of Coryell.
Ratliff.	West of Cameron.
Ray.	Westbrook.
Richardson.	Young.
Rogers.	

Nays—9.

Bond.	Fisher.
Brice.	Goodman.
Dale.	Scott.
Elliott.	Smith of Wood.
Farmer.	

Present—Not Voting.

Stephens.

Absent.

Barron.	Murphy.
Caven.	Patterson.
Dowell.	Petsch.
Duvall.	Pope.
Dwyer.	Ramsey.
Finn.	Reader.
Graves.	Rountree.
Harrison	Sanders.
of Waller.	Savage.
Holder.	Stevenson.
Holland.	Sullivant.
Keller.	Terrell
Lee.	of Val Verde.
McCombs.	Turner.
Martin.	Veatch.
Mathis.	Wagstaff.
Moffett.	Wiggs.
Morse.	Wyatt.

Absent—Excused.

Bradley.	Davis.
Coltrin.	Jones of Atascosa.
Coombes.	Moore.

The Speaker then laid Senate bill No. 54 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—106.

Mr. Speaker.	Adams of Jasper.
Adams of Harris.	Adamson.

Adkins.	Johnson of Morris.
Akin.	Jones of Shelby.
Albritton.	Justiss.
Alsup.	Kayton.
Anderson.	Keller.
Baker.	Kennedy.
Beck.	Laird.
Bedford.	Lasseter.
Bounds.	Lemens.
Boyd.	Leonard.
Brice.	Lilley.
Brooks.	Lockhart.
Bryant.	Long.
Burns of Walker.	McDougald.
Burns	McGill.
of McCulloch.	Magee.
Carpenter.	Mathis.
Claunch.	Mehl.
Cox of Lamar.	Metcalfe.
Cox of Limestone.	Moffett.
Cunningham.	Morse.
Daniel.	Munson.
DeWolfe.	Nicholson.
Dodd.	Olsen.
Donnell.	O'Quinn.
Dowell.	Patterson.
Dunlap.	Ratliff.
Engelhard.	Ray.
Farmer.	Richardson.
Farrar.	Rogers.
Ferguson.	Satterwhite.
Forbes.	Shelton.
Ford.	Sherrill.
Fuchs.	Smith of Bastrop.
Gilbert.	Smith of Wood.
Giles.	Sparkman.
Greathouse.	Steward.
Grogan.	Strong.
Hanson.	Tarwater.
Hardy.	Terrell
Harman.	of Cherokee.
Harrison	Terrell
of El Paso.	of Val Verde.
Hatchitt.	Towery.
Herzik.	Van Zandt.
Hill.	Vaughan.
Hines.	Veatch.
Holloway.	Walker.
Hoskins.	Warwick.
Howsley.	Weinert.
Hubbard.	West of Coryell.
Hughes.	West of Cameron.
Johnson	Westbrook.
of Dimmit.	

Nays—4.

Elliott.	Goodman.
Fisher.	Scott.

Present—Not Voting.

Stephens.

Absent.

Barron.	Caven.
Bond.	Dale.

Duvall.	Murphy.
Dwyer.	Petsch.
Finn.	Pope.
Graves.	Ramsey.
Harrison	Reader.
of Waller.	Rountree.
Hefley.	Sanders.
Holder.	Savage.
Holland.	Stevenson.
Jackson.	Sullivant.
Johnson	Turner.
of Dallam.	Wagstaff.
Lee.	Wiggs.
McCombs.	Wyatt.
McGregor.	Young.
Martin.	

Absent—Excused.

Bradley.	Davis.
Coltrin.	Jones of Atascosa.
Coombes.	Moore.

SENATE BILL NO. 43 ON SECOND
READING.

Mr. West of Cameron moved that the 72-hour rule which relates to the consideration of bills be suspended at this time for the purpose of considering Senate bill No. 43.

The motion prevailed.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 43, A bill to be entitled "An Act amending Article 7008, Chapter 7, Title 121, Revised Civil Statutes of Texas, 1925, so as to empower commissioners courts of counties not exempted from said Chapter 7 to authorize inspectors of hides and animals thereof, after proper hearing, to charge not to exceed 25 cents for each hide or animal inspected and, in inspection of lots of more than fifty hides or animals, not to exceed 10 cents each for all hides or animals above that number, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 43 ON THIRD
READING.

Mr. West of Cameron moved that the constitutional rule requiring bills to be read on three several days be suspended, and that Senate bill No. 43 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—101.

Adams of Harris.	Hughes.
Adams of Jasper.	Jackson.
Adamson.	Johnson
Adkins.	of Dallam.
Akin.	Johnson
Albritton.	of Dimmit.
Alsup.	Johnson of Morris.
Anderson.	Jones of Shelby.
Baker.	Justiss.
Barron.	Kayton.
Beck.	Laird.
Bedford.	Lasseter.
Bounds.	Lemens.
Boyd.	Leonard.
Brice.	Lilley.
Brooks.	Lockhart.
Bryant.	Long.
Burns of Walker.	McGill.
Burns	Magee.
of McCulloch.	Mathis.
Carpenter.	Mehl.
Claunch.	Metcalfe.
Cox of Lamar.	Moffett.
Cunningham.	Morse.
Dale.	Munson.
Daniel.	Nicholson.
Dodd.	Olsen.
Donnell.	Patterson.
Dowell.	Ramsey.
Dunlap.	Ray.
Engelhard.	Richardson.
Farrar.	Sanders.
Ferguson.	Satterwhite.
Forbes.	Scott.
Ford.	Sherrill.
Fuchs.	Smith of Bastrop.
Gilbert.	Smith of Wood.
Giles.	Sparkman.
Grogan.	Stephens.
Hanson.	Steward.
Harrison	Strong.
of El Paso.	Tarwater.
Harrison	Terrell
of Waller.	of Val Verde.
Hatchitt.	Towery.
Herzik.	Van Zandt.
Hill.	Veatch.
Hines.	Walker.
Holder.	Warwick.
Holland.	Weinert.
Holloway.	West of Coryell.
Hoskins.	West of Cameron.
Howsley.	Young.
Hubbard.	

Nays—11.

Elliott.	Ratliff.
Farmer.	Rogers.
Fisher.	Shelton.
Goodman.	Terrell
Kennedy.	of Cherokee.
McDougald.	Vaughan.

Present—Not Voting.

Cox of Limestone.

Absent.

Bond.	Martin.
Caven.	Murphy.
DeWolfe.	O'Quinn.
Duvall.	Petsch.
Dwyer.	Pope.
Finn.	Reader.
Graves.	Rountree.
Greathouse.	Savage.
Hardy.	Stevenson.
Harman.	Sullivant.
Hefley.	Turner.
Keller.	Wagstaff.
Lee.	Westbrook.
McCombs.	Wiggs.
McGregor.	Wyatt.

Absent—Excused.

Bradley.	Davis.
Coltrin.	Jones of Atascosa.
Coombes.	Moore.

The Speaker then laid Senate bill No. 43 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—104.

Mr. Speaker.	Fuchs.
Adams of Harris.	Gilbert.
Adams of Jasper.	Giles.
Adamson.	Graves.
Adkins.	Greathouse.
Albritton.	Grogan.
Anderson.	Hanson.
Baker.	Hardy.
Beck.	Harrison
Bedford.	of El Paso.
Bond.	Harrison
Bounds.	of Waller.
Boyd.	Hatchitt.
Brice.	Herzik.
Brooks.	Hill.
Bryant.	Hines.
Burns of Walker.	Holder.
Burns	Holland.
of McCulloch.	Holloway.
Carpenter.	Hoskins.
Claunch.	Howsley.
Cox of Lamar.	Hubbard.
Cunningham.	Hughes.
Dale.	Jackson.
Daniel.	Johnson
DeWolfe.	of Dallam.
Dodd.	Johnson
Dowell.	of Dimmit.
Dunlap.	Johnson of Morris.
Engelhard.	Jones of Shelby.
Farmer.	Justiss.
Farrar.	Kayton.
Ferguson.	Keller.
Forbes.	Laird.
Ford.	Lasseter.

Lee.	Sanders.
Lemens.	Satterwhite.
Leonard.	Sherrill.
Lilley.	Smith of Bastrop.
Lockhart.	Smith of Wood.
McGill.	Sparkman.
McGregor.	Stephens.
Magee.	Steward.
Mehl.	Strong.
Metcalf.	Terrell
Moffett.	of Val Verde.
Morse.	Towery.
Munson.	Turner.
Murphy.	Van Zandt.
Nicholson.	Veatch.
Olsen.	Walker.
Patterson.	Warwick.
Ramsey.	Weinert.
Ray.	West of Coryell.
Richardson.	Young.

Nays—8.

Elliott.	Rogers.
Fisher.	Terrell
Kennedy.	of Cherokee.
McDougald.	Vaughan.
Ratliff.	

Present—Not Voting.

Akin.	Cox of Limestone.
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Absent.

Alsup.	Petsch.
Barron.	Pope.
Caven.	Reader.
Donnell.	Rountree.
Duvall.	Savage.
Dwyer.	Scott.
Finn.	Shelton.
Goodman.	Stevenson.
Harman.	Sullivan.
Hefley.	Tarwater.
Long.	Wagstaff.
McCombs.	West of Cameron.
Martin.	Westbrook.
Mathis.	Wiggs.
O'Quinn.	Wyatt.

Absent—Excused.

Bradley.	Davis.
Coltrin.	Jones of Atascosa.
Coombes.	Moore.

SENATE BILL NO. 56 ON THIRD READING.

Mr. Sanders moved that the constitutional rule requiring bills to be read on three several days be suspended, and that Senate bill No. 56 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—104.

Adams of Harris.	Justiss.
Adams of Jasper.	Kayton.
Adamson.	Keller.
Alsup.	Kennedy.
Anderson.	Laird.
Barron.	Lasseter.
Beck.	Lee.
Bedford.	Lemens.
Bond.	Leonard.
Bounds.	Lilley.
Boyd.	Lockhart.
Brice.	Long.
Brooks.	McDougald.
Bryant.	McGill.
Burns of Walker.	McGregor.
Burns	Magee.
of McCulloch.	Mathis.
Carpenter.	Mehl.
Claunch.	Metcalf.
Cox of Lamar.	Moffett.
Cox of Limestone.	Morse.
Cunningham.	Munson.
Daniel.	Murphy.
DeWolfe.	Nicholson.
Dodd.	Olsen.
Dowell.	O'Quinn.
Dunlap.	Patterson.
Ferguson.	Ramsey.
Forbes.	Ratliff.
Ford.	Ray.
Gilbert.	Reader.
Giles.	Richardson.
Graves.	Sanders.
Grogan.	Satterwhite.
Hanson.	Sherrill.
Hardy.	Smith of Bastrop.
Harrison	Smith of Wood.
of Waller.	Sparkman.
Hatchitt.	Stephens.
Herzik.	Steward.
Hill.	Strong.
Hines.	Tarwater.
Holder.	Terrell
Holland.	of Val Verde.
Holloway.	Towery.
Hoskins.	Turner.
Howsley.	Van Zandt.
Hubbard.	Veatch.
Hughes.	Warwick.
Johnson	Weinert.
of Dallam.	West of Coryell.
Johnson	West of Cameron.
of Dimmit.	Westbrook.
Johnson of Morris.	Young.
Jones of Shelby.	

Nays—15.

Adkins.	Fisher.
Albritton.	Fuchs.
Baker.	Goodman.
Dale.	Rogers.
Elliott.	Terrell
Engelhard.	of Cherokee.
Farmer.	Vaughan.
Farrar.	Walker.

Absent.

Akin.	Martin.
Caven.	Petsch.
Donnell.	Pope.
Duvall.	Rountree.
Dwyer.	Savage.
Finn.	Scott.
Greathouse.	Shelton.
Harman.	Stevenson.
Harrison	Sullivant.
of El Paso.	Wagstaff.
Hefley.	Wiggs.
Jackson.	Wyatt.
McCombs.	

Absent—Excused.

Bradley.	Davis.
Coltrin.	Jones of Atascosa.
Coombes.	Moore.

The Speaker then laid Senate bill No. 56 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—103.

Mr. Speaker.	Harrison
Adams of Harris.	of El Paso.
Adams of Jasper.	Harrison
Adamson.	of Waller.
Akir.	Hatchitt.
Anderson.	Herzik.
Barron.	Hill.
Beck.	Hines.
Bedford.	Holder.
Bond.	Holland.
Bounds.	Holloway.
Boyd.	Hoskins.
Brice.	Howsley.
Brooks.	Hubbard.
Bryant.	Hughes.
Burns of Walker.	Jackson.
Burns	Johnson
of McCulloch.	of Dallam.
Carpenter.	Johnson
Claunch.	of Dimmit.
Cox of Lamar.	Johnson of Morris.
Cox of Limestone.	Jones of Shelby.
Cunningham.	Justiss.
Dale.	Keller.
Daniel.	Kennedy.
DeWolfe.	Laird.
Dodd.	Lasseter.
Dunlap.	Lee.
Dwyer.	Lemens.
Ferguson.	Leonard.
Forbes.	Lockhart.
Ford.	Long.
Gilbert.	McDougald.
Giles.	McGill.
Greathouse.	McGregor.
Grogan.	Magee.
Hanson.	Mathis.
Hardy.	Mehl.

Metcalfe.	Smith of Bastrop.
Moffett.	Smith of Wood.
Morse.	Sparkman.
Munson.	Stephens.
Nicholson.	Steward.
O'Quinn.	Strong.
Patterson.	Tarwater.
Ramsey.	Towery.
Ratliff.	Van Zandt.
Reader.	Veatch.
Richardson.	Walker.
Rountree.	Warwick.
Sanders.	Weinert.
Satterwhite.	West of Cameron.
Shelton.	Westbrook.
Sherrill.	Young.

Nays—19.

Adkins.	Goodman.
Albritton.	Lilley.
Baker.	Murphy.
Dowell.	Olsen.
Elliott.	Rogers.
Engelhard.	Scott.
Farmer.	Terrell
Farrar.	of Cherokee.
Fisher.	Turner.
Fuchs.	Vaughan.

Present—Not Voting.

Kayton.

Absent.

Alsup.	Pope.
Caven.	Ray.
Donnell.	Savage.
Duvall.	Stevenson.
Finn.	Sullivant.
Graves.	Terrell
Harman.	of Val Verde.
Hefley.	Wagstaff.
McCombs.	West of Coryell.
Martin.	Wiggs.
Petsch.	Wyatt.

Absent—Excused.

Bradley.	Davis.
Coltrin.	Jones of Atascosa.
Coombes.	Moore.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, August 12, 1931.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House amendments to Senate bill No. 12 by a viva voce vote.

Respectfully,
BOB BARKER,
Secretary of the Senate.

SENATE BILL NO. 11 ON SECOND
READING.

Mr. Keller moved that the 72-hour rule, which relates to the consideration of bills, be suspended for the purpose of considering Senate bill No. 11.

The motion prevailed.

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 11, A bill to be entitled "An Act relating to appropriation and payment thereof; amending Senate bill No. 626, passed by the Regular Session of the Forty-second Legislature, and declaring an emergency."

The bill was read second time.

Mr. Keller offered the following amendment to the bill:

Amend Senate bill No. 11 by striking out Section 3.

The amendment was adopted.

Mr. Vaughan offered the following amendment to the bill:

Amend Senate bill No. 11 by striking out Section 2.

The amendment was adopted.

Senate bill No. 11 was then passed to third reading.

SENATE BILL NO. 11 ON THIRD
READING.

Mr. Keller moved that the constitutional rule requiring bills to be read on three several days be suspended, and that Senate bill No. 11 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—98.

Adams of Harris.	Forbes.
Adams of Jasper.	Ford.
Adkins.	Fuchs.
Albritton.	Gilbert.
Anderson.	Goodman.
Alsup.	Graves.
Bedford.	Greathouse.
Bounds.	Grogan.
Boyd.	Hanson.
Brice.	Hardy.
Burns of Walker.	Harman.
Claunch.	Harrison
Cunningham.	of El Paso.
Donnell.	Harrison
Dowell.	of Waller.
Dunlap.	Hefley.
Dwyer.	Herzik.
Elliott.	Hill.
Engelhard.	Hines.
Farrar.	Holder.
Ferguson.	Holland.
Finn.	Holloway.

Howsley.	Petsch.
Hubbard.	Ramsey.
Hughes.	Ratliff.
Jackson.	Ray.
Johnson	Reader.
of Dimmit.	Sanders.
Johnson of Morris.	Satterwhite.
Jones of Shelby.	Savage.
Kayton.	Shelton.
Keller.	Smith of Bastrop.
Kennedy.	Smith of Wood.
Lasseter.	Sparkman.
Lee.	Steward.
Leonard.	Strong.
Lilley.	Terrell
Lockhart.	of Val Verde.
Long.	Towery.
McDougald.	Turner.
McGill.	Van Zandt.
Magee.	Vaughan.
Mathis.	Veatch.
Mehl.	Walker.
Metcalfe.	Warwick.
Moffett.	Weinert.
Morse.	West of Coryell.
Munson.	West of Cameron.
Nicholson.	Westbrook.
O'Quinn.	Wyatt.
Patterson.	Young.

Nays—22.

Akin.	Farmer.
Baker.	Fisher.
Barron.	Hoskins.
Bond.	Justiss.
Brooks.	Laird.
Burns	McGregor.
of McCulloch.	Richardson.
Cox of Lamar.	Rogers.
Cox of Limestone.	Scott.
Dale.	Sherrill.
Daniel.	Wiggs.
Dodd.	

Absent.

Adamson.	Martin.
Beck.	Murphy.
Bryant.	Olsen.
Carpenter.	Pope.
Caven.	Rountree.
DeWolfe.	Stephens.
Duvall.	Stevenson.
Giles.	Sullivant.
Hatchitt.	Tarwater.
Johnson	Terrell
of Dallam.	of Cherokee.
Lemens.	Wagstaff.
McCombs.	

Absent—Excused.

Bradley.	Davis.
Coltrin.	Jones of Atascosa.
Coombes.	Moore.

The Speaker then laid Senate bill No. 11 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—101.

Mr. Speaker.	Johnson of Morris.
Adams of Harris.	Jones of Shelby.
Adams of Jasper.	Kayton.
Adkins.	Keller.
Akin.	Lasseter.
Albritton.	Lee.
Alsup.	Lemens.
Anderson.	Leonard.
Barron.	Lilley.
Beck.	Lockhart.
Bedford.	Long.
Bounds.	McDougald.
Boyd.	McGill.
Brice.	Magee.
Bryant.	Mathis.
Burns of Walker.	Mehl.
Claunch.	Metcalfe.
Cunningham.	Moffett.
Donnell.	Morse.
Dowell.	Munson.
Dwyer.	Nicholson.
Elliott.	O'Quinn.
Engelhard.	Patterson.
Farrar.	Petsch.
Ferguson.	Ramsey.
Finn.	Ratliff.
Forbes.	Ray.
Ford.	Reader.
Fuchs.	Sanders.
Goodman.	Satterwhite.
Graves.	Savage.
Greathouse.	Shelton.
Grogan.	Smith of Wood.
Hanson.	Sparkman.
Harman.	Stevenson.
Harrison	Steward.
of El Paso.	Strong.
Harrison	Terrell
of Waller.	of Vai Verde.
Hefley.	Towery.
Herzik.	Turner.
Hill.	Van Zandt.
Hines.	Veatch.
Holder.	Wagstaff.
Holland.	Walker.
Holloway.	Warwick.
Howsley.	Weinert.
Hubbard.	West of Coryell.
Hughes.	West of Cameron.
Jackson.	Westbrook.
Johnson	Wyatt.
of Dallam.	Young.
Johnson	
of Dimmit.	

Nays—18.

Baker. Bond.

Brooks.	Hoskins.
Burns	Laird.
of McCulloch.	Richardson.
Cox of Lamar.	Rogers.
Cox of Limestone.	Scott.
Daniel.	Sherrill.
Dodd.	Vaughan.
Farmer.	Wiggs.
Fisher.	

Present—Not Voting.

Kennedy.

Absent.

Adamson.	McGregor.
Carpenter.	Martin.
Caven.	Murphy.
Dale.	Olsen.
DeWolfe.	Pope.
Dunlap.	Rountree.
Duvall.	Smith of Bastrop.
Gilbert.	Stephens.
Giles.	Sullivant.
Hardy.	Tarwater.
Hatchitt.	Terrell
Justiss.	of Cherokee.
McCombs.	

Absent—Excused.

Bradley.	Davis.
Coltrin.	Jones of Atascosa.
Coombes.	Moore.

SENATE BILL NO. 62 ON SECOND READING.

Mr. Lasseter moved that the 72-hour rule, which relates to the consideration of bills, be suspended to take up and consider Senate bill No. 62.

The motion prevailed.

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 62, A bill to be entitled "An Act to amend Article 2698, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 62 ON THIRD READING.

Mr. Lasseter moved that the constitutional rule requiring bills to be read on three several days be suspended, and that Senate bill No. 62 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—103.

Adams of Harris.	Johnson
Adams of Jasper.	of Dallam.
Adamson.	Johnson
Adkins.	of Dimmit.
Akin.	Johnson of Morris.
Albritton.	Jones of Shelby.
Alsup.	Justiss.
Anderson.	Kayton.
Barron.	Keller.
Beck.	Kennedy.
Bedford.	Laird.
Bond.	Lasseter.
Bounds.	Lee.
Boyd.	Lemens.
Brooks.	Leonard.
Burns of Walker.	Lockhart.
Burns	Long.
of McCulloch.	McDougald.
Carpenter.	McGill.
Caven.	McGregor.
Claunch.	Magee.
Cox of Lamar.	Mehl.
Cox of Limestone.	Metcalf.
Cunningham.	Moffett.
Daniel.	Morse.
DeWolfe.	Munson.
Dodd.	Nicholson.
Donnell.	Ramsey.
Dowell.	Ratliff.
Dwyer.	Ray.
Engelhard.	Reader.
Farrar.	Richardson.
Finn.	Rountree.
Forbes.	Satterwhite.
Ford.	Shelton.
Fuchs.	Sherrill.
Giles.	Smith of Bastrop.
Graves.	Smith of Wood.
Greathouse.	Sparkman.
Grogan.	Stevenson.
Hanson.	Steward.
Harman.	Strong.
Harrison	Terrell
of El Paso.	of Val Verde.
Harrison	Turner.
of Waller.	Van Zandt.
Herzik.	Veatch.
Hill.	Warwick.
Hines.	Weinert.
Holder.	West of Cameron.
Holland.	Westbrook.
Holloway.	Wiggs.
Hoskins.	Wyatt.
Hubbard.	Young.
Hughes.	

Nays—14.

Baker.	Goodman.
Brice.	Howsley.
Bryant.	Scott.
Elliott.	Terrell of Cherokee.
Farmer.	Towery.
Ferguson.	Vaughan.
Fisher.	Walker.

Absent.

Dale.	Olsen.
Dunlap.	O'Quinn.
Duvall.	Patterson.
Gilbert.	Petsch.
Hardy.	Pope.
Hatchitt.	Rogers.
Hefley.	Sanders.
Jackson.	Savage.
Lilley.	Stephens.
McCombs.	Sullivant.
Martin.	Tarwater.
Mathis.	Wagstaff.
Murphy.	West of Coryell.

Absent—Excused.

Bradley.	Davis.
Coltrin.	Jones of Atascosa.
Coombes.	Moore.

The Speaker then laid Senate bill No. 62 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—105.

Adams of Harris.	Ford.
Adams of Jasper.	Fuchs.
Adamson.	Giles.
Adkins.	Goodman.
Akin.	Greathouse.
Albritton.	Grogan.
Alsup.	Hanson.
Anderson.	Harman.
Baker.	Harrison
Barron.	of El Paso.
Beck.	Harrison
Bedford.	of Waller.
Bond.	Herzik.
Bounds.	Hill.
Boyd.	Hines.
Brice.	Holder.
Brooks.	Holloway.
Bryant.	Hoskins.
Burns of Walker.	Hughes.
Burns	Jackson.
of McCulloch.	Johnson
Carpenter.	of Dallam.
Caven.	Johnson of Morris.
Claunch.	Jones of Shelby.
Cox of Lamar.	Justiss.
Cox of Limestone.	Kayton.
Daniel.	Keller.
DeWolfe.	Kennedy.
Donnell.	Laird.
Dowell.	Lasseter.
Dwyer.	Lee.
Elliott.	Lemens.
Engelhard.	Leonard.
Farrar.	McGill.
Finn.	McGregor.
Fisher.	Magee.
Forbes.	Mathis.

Mehl.	Steward.
Moffett.	Strong.
Morse.	Terrell
Munson.	of Cherokee.
Nicholson.	Towery.
Olsen.	Turner.
Ratliff.	Van Zandt.
Ray.	Vaughan.
Reader.	Veatch.
Richardson.	Walker.
Rogers.	Warwick.
Rountree.	Weinert.
Satterwhite.	West of Coryell.
Scott.	West of Cameron.
Shelton.	Westbrook.
Sherrill.	Wiggs.
Smith of Wood.	Wyatt.
Sparkman.	Young.

Nays—1.

Farmer.

Absent.

Cunningham.	McDougald.
Dale.	Martin.
Dodd.	Metcalfe.
Dunlap.	Murphy.
Duvall.	O'Quinn.
Ferguson.	Patterson.
Gilbert.	Petsch.
Graves.	Pope.
Hardy.	Ramsey.
Hatchitt.	Sanders.
Heiley.	Savage.
Holland.	Smith of Bastrop.
Howsley.	Stephens.
Hubbard.	Stevenson.
Johnson	Sullivant.
of Dimmit.	Tarwater.
Lilley.	Terrell
Lockhart.	of Val Verde.
Long.	Wagstaff.
McCombs.	

Absent—Excused.

Bradley.	Davis.
Coltrin.	Jones of Atascosa.
Coombes.	Moore.

**CONFERENCE COMMITTEE RE-
PORT ON HOUSE BILL
NO. 25.**

Mr. Wagstaff, Chairman, submitted the following conference committee report on House bill No. 25:

Committee Room,

Austin, Texas, August 12, 1931.

Hon. Edgar E. Witt, President of the Senate, and Hon. Fred H. Minor, Speaker of the House of Representatives.

Sirs: We, your Conference Committee heretofore appointed to adjust the differences between the Senate

and the House with respect to House bill No. 25 and the Senate substitute therefor, relating to an act providing for the conservation of oil and gas and further defining and prescribing the duties of the Railroad Commission in respect thereto, etc., beg leave to report that we have adjusted the differences between the two houses and submit herewith a bill in lieu of House bill No. 25 and the committee substitute therefor, and recommend the final passage thereof.

We beg further to report that in the adjustment of the differences between the two houses, we, your committee, unanimously agreed upon the attached bill.

In the preparation of the attached bill we have undertaken to combine the best features of House bill No. 25 and the committee substitute therefor, and together with additional provisions, submit the attached bill as one which will adjust the differences between the Senate and the House; we, therefore recommend that this report be adopted and that the attached Conference Committee bill be finally passed.

Respectfully submitted,

RAWLINGS,
WOODWARD,
GAINER,
POLLARD,
SMALL,

On the part of the Senate;

WAGSTAFF,
FORD,
DUVALL,
GRAVES,
PETSCH,

On the part of the House.

A BILL

To Be Entitled

"An Act further prescribing the powers and duties of the Railroad Commission of Texas in respect to the conservation of oil and gas and the regulation of the production, storage and transportation thereof; further defining waste, regulating and prohibiting the same as relates to crude petroleum oil and natural gas, prohibiting the production, transportation, storing or use of crude petroleum oil and or natural gas under conditions as to constitute waste, providing that waste

shall not be construed to mean economic waste and prohibiting the taking into consideration of market demand as an element of waste, providing that this act shall not be construed as to prevent storage of oil except to prevent physical waste, authorizing the curtailing of production in order to prevent waste; amending Article 6008 of the Revised Civil Statutes of 1925, prohibiting the wasting of gas by escape and requiring the confinement thereof under the terms and conditions of said article and affixing a penalty for its violation; amending Article 6036 of the Revised Civil Statutes of 1925 as amended by Section 4 of Chapter 313, Acts of the Regular Session of the Forty-first Legislature, providing for additional penalties to those which might be imposed by the Commission for the violation of its orders and authorizing suit to collect the penalty by the Attorney General in the name of the State of Texas; giving the Railroad Commission the power, through the Attorney General, to institute suits against parties violating the rules, regulations and orders of the Commission, fixing the venue thereof, and providing for injunctions therein; empowering the Commission to inquire into the production, storage or transportation of crude petroleum oil and natural gas in order to determine whether or not waste exists and requiring persons to make and file sworn reports and statements as to facts within their knowledge in reference to the production, storage or transportation of crude petroleum oil and/or natural gas and authorizing the inspection and gauging thereof by the Commission and of the books and records of any party interested therein; requiring permanent records or copies thereof of the quantity or amount of oil or gas produced, stored or transported within this State, giving authority to the Commission and the Attorney General to inspect said records, and providing grounds for forfeiture of charters and injunctions prohibiting corporations from doing business because of a failure to comply with the terms hereof in respect thereto, giving the Attorney General the power to institute such suits, authorizing the Commission,

upon its own initiative, and requiring it upon the verified complaint of any party showing that waste is taking place, to hold hearings, hear testimony and enter and make rules, regulations and orders in reference thereto as the facts justify; authorizing the Commission to distribute, prorate or otherwise apportion any reduction or adjustment among wells, committing waste or contributing thereto; authorizing the Commission to designate and describe wells or pools by using well-understood names or descriptions, authorizing the Commission from time to time after notice, to amend, revoke, suspend, renew or extend such rules or orders so made as the circumstances may equitably require, prohibiting the Commission from restricting production of oil from any new field until the total production aggregates 10,000 barrels of oil per day unless it be necessary to prevent physical waste, providing a method whereby any interested party affected by any rule or order made or promulgated by the Commission, shall have the right to institute a suit in Travis county, Texas, against the Commission and seek relief such as may be necessary, providing the procedure in respect thereto and granting of injunctions under certain conditions and providing for and prescribing the manner and method of executing injunction bonds and the procedure in reference thereto; providing for the conditions of such bond and the right of persons to sue thereon, granting to either party the right of appeal from the judgment rendered therein, and providing for the advancement of said cause in the appellate courts, repealing all laws and parts of laws in conflict therewith; providing for the appointment of a receiver when any party violates, after final adjudication, of any rules, regulations, orders or judgments and requiring a bond of such receiver and prescribing his duties and for the dissolution thereof upon such terms as the court may prescribe; providing that nothing herein contained or authorized and no suit by or against the Commission shall impair or abridge or delay any cause of action for damages or other relief, of any person owning any land or any producer of

crude petroleum or natural gas or any other party of interest may have or assert against any party violating such rule, regulation or order of the Commission or any judgment rendered therein, giving the Commission the power to enjoin violations of any statute, rule, regulation or order made in respect to the purchase, transportation or handling of crude petroleum oil or natural gas produced in excess of the amount allowed thereby; amending Article 6029 of the Revised Civil Statutes of 1925, relating to the power of the Commission to make and enforce rules and regulations for the conservation of oil and gas and to prevent physical waste and the method and manner of drilling, plugging and the orderly manner and method of operating in the discovery, production, transportation and handling of oil and gas and to do all things necessary to prevent physical waste of oil and gas as defined in this act, providing that this act shall not be construed so as to relieve any party from the duties and obligations imposed by Chapter 36, page 17, Acts of the Forty-first Legislature, at its Fifth Called Session, commonly known as the Common Purchaser Act, and all amendments thereto, providing that nothing in this act shall modify or change the terms and provisions of Senate bill No. 337, Acts of the Regular Session of the Forty-second Legislature, commonly known as the Marginal Well Bill, and providing that this act shall not repeal any existing law or is in conflict therewith, providing that this act shall be cumulative of all laws of the State of Texas not inconsistent herewith and requiring all persons entrusted with the enforcement of the orders, rules and regulations of the Commission, to be regular employees of the State, and prohibiting any other person from the performance of such duties, providing for ratable taking of oil and gas under certain conditions, prohibiting discriminations under certain conditions; providing if any section, clause or any provision of this act or any other act referred to shall be held unconstitutional or invalid or unenforceable, it shall not affect the remaining portions, defining the term 'party' and the term 'Commission,'

and providing this act shall not amend, repeal, change, alter or affect in any manner the anti-trust laws of this State; amending Article 6032 of the Revised Civil Statutes of 1925, imposing a tax of one-tenth of 1 cent per barrel on crude petroleum oil, the funds derived therefrom to be used toward the administration of this law; and providing that the excess shall become a part of the general revenue of the State and for the payment of any deficiency out of the general revenues of the State, providing for the employment of supervisors and other employees by the Commission and for the payment of their salaries, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1, Article 6014, of the Revised Civil Statutes of 1925, as amended by Chapter 313, Acts of the Regular Session of the Forty-first Legislature, is hereby amended so that the same shall hereafter read as follows:

"Article 6014. Neither natural gas nor crude petroleum shall be produced, transported, stored or used in such manner or under such conditions as to constitute waste; provided, however, this shall not be construed to mean economic waste, and the Commission shall not have power to attempt, by order or otherwise, directly or indirectly, to limit the production of oil to equal the existing market demand for oil; and that power is expressly withheld from the Commission, and no part of this act shall ever be construed so as to prevent the storage of oil except for the prevention of physical waste. As used herein, the term 'waste,' in addition to its ordinary meaning, shall include:

"(a) The operation of any oil well or wells with a gas-oil ratio exceeding that fixed for such well or wells by order of the Commission, and the Commission is hereby given authority to fix and determine by order such ratio.

"(b) Drowning with water of any stratum capable of producing oil or gas or both oil and gas in paying quantities.

"(c) Underground waste caused by the premature intrusion of water into any producing well or wells or

into wells producing from the same stratum, resulting from improper drilling or producing methods by the owner of such well or wells.

"(d) Permitting any natural gas well to wastefully burn.

"(e) The wasteful utilization of natural gas; provided, however, the utilization of gas from a well producing both oil and gas, for manufacturing natural gasoline, shall not be construed to be waste.

"(f) The creating of unnecessary fire hazards.

"(g) Actual physical waste incident to or resulting from so drilling, equipping, locating, spacing or operating wells as to reduce, or tend to reduce, the ultimate total recovery of crude petroleum oil or natural gas from any well or pool.

"(h) Waste incident to or resulting from the unnecessary, inefficient, excessive or improper use of the gas, gas energy or water drive in any well or pool; however, it is not the intent of this act to require repressuring of an oil pool, or that the separately owned properties in any pool be utilized under one management, control or ownership.

"(i) Surface waste, including unnecessary or excessive surface losses or destruction of crude petroleum oil or natural gas without beneficial use.

"(j) The escape into the open air of natural gas except as may be necessary in the drilling or operation of a well; this section shall be cumulative of and not contrary to the above definitions of waste, and shall not be construed to conflict therewith.

"(k) Waste incident to the inequitable utilization of gas energy, water drive or other natural forces, resulting from the inequitable withdrawal from any common pool; provided, however, that the Commission shall only invoke this definition of waste for the purpose of preventing discrimination in production as between producers disposing of their oil and/or gas by means of regulated carriers and those producers disposing of their oil and/or gas by unregulated carriers.

"The Commission shall at no time have authority to make any rule or regulation, or to in anywise determine or hold that any mode, manner or process of refining crude oil constitutes waste.

"Nothing in this act shall require the owner of any gas and/or oil well to curtail the production thereof un-

less the same is being operated in such manner as to constitute waste as herein defined or contributing to waste as herein defined."

Sec. 2. Article 6008 of the Revised Civil Statutes of 1925 is hereby amended so that it shall hereafter read as follows:

"Article 6008. Any party or person in possession as owner, lessee, agent, trustee, receiver or manager, or any person, co-partnership or corporation in possession of any well producing natural gas only, in order to prevent said gas from wasting by escape, shall, within ten days after encountering such gas, confine said gas in said well until said gas shall be utilized for light or fuel; provided, however, the Commission may permit the use of such gas for the purpose of being introduced into an oil or gas bearing stratum in order to maintain or increase the rock pressure, or otherwise increase the ultimate recovery of oil or gas from such stratum and for any other purpose which, under circumstances surrounding each particular case, might be found by the Commission, after hearing, to be practical and conducive to the public welfare. Any person violating the provisions of this article shall be liable to a penalty of one thousand dollars (\$1000) for each offence, to be recovered with the costs of suit in a civil action in the name of the State of Texas, in Travis county, and each day any such violation continues shall be a separate offense, and for which the party in violation shall be held liable for the penalty herein prescribed."

Section 3, Article 6036, of the Revised Civil Statutes of 1925, as amended by Section 4 of Chapter 313, General Laws, Regular Session of the Forty-first Legislature, is hereby amended so as to hereafter read as follows:

"Article 6036. In addition to any penalty that may be imposed by the Commission for contempt for the violation of its orders, any person, firm, corporation, joint stock association or any officer, agent or employe thereof, violating any of the provisions of this act or Title 102 of the Revised Civil Statutes of 1925, or of any of the rules, regulations or orders of said Commission made in pursuance thereof, shall be subject to a penalty of not more than one thousand dol-

lars (\$1000) for each and every day of such violation, to be recovered in any court of competent jurisdiction in the county in which the violation occurs, such suit by direction of the Commission to be instituted and conducted in the name of the State of Texas, by the Attorney General of the State of Texas, or by the county or district attorney of the county in which the violation occurs."

Sec. 4. Whenever it shall appear that any party engaged in the production, storage, or transportation of crude petroleum oil or natural gas is violating any statute of this State or any valid rule, regulation, or order of the Commission promulgated to correct, prevent, or lessen the waste of crude petroleum oil or natural gas, the Commission, through the Attorney General, may bring suit against such party in any court of competent jurisdiction in Travis county, Texas, or in the county of the residence of the defendants, or any of them, or in the county in which such violation is alleged to have occurred, but not elsewhere, to restrain such party from violating such rule, regulation, or order, or any part thereof, and in such suit the Commission may obtain such preliminary restraining order or temporary or final injunction as the facts may warrant.

Sec. 5. The Commission shall have the power, and it shall be its duty, from time to time, to inquire into the production, storage, or transportation of crude petroleum oil and of natural gas, in order to determine whether or not waste, as hereinbefore defined, exists. The Commission shall have the right to require any party to make and file with the Commission sworn statements, as to the facts within the knowledge or possession of such party pertaining to the production, storage, or transportation of crude petroleum oil or of natural gas, and may require any well or wells under the control of any party whenever and as often and for such periods as the Commission may specify, to be inspected or gauged, and the books and records of any party to be examined.

Sec. 6. It shall be the duty of all parties producing, storing, or transporting crude petroleum oil or natural gas within this State, to make and to keep in this State a permanent record or copies of records of

the quantity or amount of all such oil or gas so produced, stored, or transported within this State. The Commission or its duly authorized agents, and the Attorney General or his assistants or agents, shall have the right to inspect said records as often and for such periods as they may deem necessary. The failure of any corporation chartered under the laws of this State to comply with the provisions of this section and to keep such records in this State, or the refusal to permit the officers herein mentioned to inspect and examine the records herein required, shall constitute grounds for a forfeiture of its charter rights and privileges and the dissolution of its corporate existence. Such violations by a foreign corporation shall be grounds for enjoining and forever prohibiting such corporation from doing business in this State. It shall be the duty of the Attorney General, when in his judgment the public interest requires it, upon his motion, and without leave or order of any judge or court, to institute suit or other appropriate action in Travis county, for forfeiture of charter rights of domestic corporations and enjoining foreign corporations from doing business in this State, when any such corporation is deemed guilty of violating the provisions of this section.

Sec. 7. The Commission shall have the right when it reasonably appears, and shall upon the verified complaint of any party showing that physical waste of crude petroleum oil or natural gas is taking place in this State, or is reasonably imminent, to hold such hearings at such times and places as it may fix, to determine whether or not such waste is taking place or is reasonably imminent, and to make inquiry into what rule, if any, or what regulation or order should be made and what action, if any should be taken to correct, prevent, or lessen the same within the meaning of this act. Notice of such hearings shall be given as provided by law. All parties interested shall be entitled to be heard and introduce evidence and shall have the right to process for witnesses and the production of evidence. The Commission upon such hearing, if it finds that waste is taking place or is reasonably imminent, shall make and enter such rule, regulation, or order as in its judgment the facts justify, in order

to correct, prevent, or lessen such waste, if any. If it is the judgment of the Commission that any reduction or adjustment in the production of oil or gas from any well or pool is necessary in order to prevent the waste as herein defined of crude petroleum or natural gas from any such well or pool, the Commission shall determine how to accomplish such reduction or adjustment and such order shall be made in such manner as to distribute, prorate or otherwise apportion such reduction or adjustment among the wells committing such waste or contributing thereto as the facts justly and equitably require. Any properties, well, or pools within this State may be described or referred to by the Commission in such proceedings and in making of such rules, regulations, or orders, in general terms or by using well understood names or descriptions thereof, or may otherwise identify the same by general or special descriptions.

From and after the hearing and the promulgation of any rule or order of the Commission, it shall be the duty of all parties affected thereby, to comply with the same. From time to time after notice and hearing the Commission may amend, revoke, suspend, renew, or extend any such rule or order so made, to such extent and under such circumstances as may justly and equitably be necessary. Provided that nothing in this act shall be construed as granting to the Commission any power or authority to restrict, or in any manner limit, the drilling of wells for the purpose of exploring for oil and/or gas in territory not known to produce either oil or gas.

The Commission shall not restrict the production of oil from any new field brought into production by such exploration until such total production therefrom aggregates 10,000 barrels of oil per day, unless such restriction results from the enforcement of orders, rules, or regulations dealing with the method or manner of producing, storing, or transporting oil therefrom to prevent physical waste occurring in such new field.

Sec. 8. Any interested party affected by any rule or order made or promulgated by the Commission, under the terms of this act and who may be dissatisfied therewith, shall have the right to file a suit in a court of competent jurisdiction in Travis

county, Texas, and not elsewhere, against the Commission, as defendant, and ask for such relief as may be necessary to annul, correct, or modify such rule or order so promulgated by the Commission. Such suit shall be advanced for trial and be determined as expeditiously as possible and no postponement thereof or continuance shall be granted except for reasons deemed imperative by the court. In all trials under this section, the burden of proof shall be upon the party complaining of such rule, regulation, or order and such rule, regulation, or order so complained of shall be deemed prima facie valid until otherwise shown.

Sec. 9. Any party feeling aggrieved by any order, rule or regulation of the Railroad Commission shall be entitled to judicial review thereof in the manner provided under existing law and as provided in this act.

Sec. 10. No injunction shall be granted against the Railroad Commission to restrain it from enforcing rules, regulations and orders made and promulgated by the Commission under the terms of this act or of any conservation statutes of this State relating to oil or gas except after notice to the Commission and a hearing. Provided, however, that before any injunction or restraining order shall become effective the plaintiff shall be required by the court to execute a bond with good and sufficient sureties in an amount to be fixed by the court reasonably sufficient to indemnify all persons whom the court may find, from the facts proven, will suffer damages by reason of the violation of the rule, regulation or order complained of, such persons to be named in the order of the judge when the amount of the bond is fixed by the court and entered of record; provided, that the finding of the court that any party is likely to suffer damage shall not be admissible as evidence of damages in any suit on such bond. In determining the amount of such bond, it shall be the duty of the judge to take into consideration all of the facts and circumstances surrounding the parties and the ability of the plaintiff to make such bond in order to determine the amount and the reasonableness thereof under the facts and circumstances. Any bond made or executed by any bonding or surety company shall be by some company authorized to do business in

Texas. Such bond shall be made payable to and approved by the judge of said court and shall be for the use and benefit and may be sued on by all persons named in said order who may suffer damages by reason of the violation of such rule, regulation or order and shall bring suit thereon before the expiration of six months from the date of the final determination of the validity in whole or in part of such rule, regulation or order; provided further, that any person believing himself to be entitled to protection under said bond shall have the right, within the discretion of the court, to intervene in said suit before said bond is fixed and to make proof of his damages which might result from a violation of such rule, regulation or order. Upon motion and for good cause shown the court may from time to time increase or decrease the amount of such bond after notice to the parties and may require new or additional sureties as the facts may justify.

Sec. 11. Either party to said suit has the right of appeal from the final judgment therein, and said appeal shall at once be returnable to the appellate court, and said action so appealed shall have precedence in said appellate court over all cases, proceedings and causes of a different character therein pending. In the Court of Civil Appeals, such court shall immediately and at as early a date as possible decide the questions involved therein; and in the event any question or questions shall be certified to the Supreme Court, or writ of error thereto be requested or granted, it is here made the duty of the Supreme Court to immediately set down said cause for hearing and decide the cause at as early a date as possible, and such cause shall have precedence over all other cases, proceedings and causes of a different character in such court. All laws and parts of laws in conflict with the provisions of this section are hereby repealed.

Sec. 12. Whenever any order, rule or regulation promulgated by the Commission has been finally adjudged to be valid, in whole or in part, in any suit to which the Commission is a party, and thereafter any party to the suit or other proceedings in which such matter has been so adjudged, shall violate such rule, regulation, order or

judgment, or shall thereafter suffer any property owned or controlled by him to be used in violation of any such rule, regulation, order or judgment, the Commission shall have the power, and it shall be its duty, to make application to the judge of the trial court, setting out such rule, regulation, order or judgment and that such party, subsequent to the date of such judgment, has violated or is violating such rule, regulation, order or judgment, and praying that a receiver be appointed as provided in this section. Thereupon the judge of such trial court may, after notice and hearing, appoint a receiver of the property involved or used in violation of such rule, regulation, order or judgment and shall fix a proper bond for such receiver. As soon as such receiver has qualified, he shall take possession of such property, and such receiver thereafter shall perform his duties as receiver of such property under the orders of said court, strictly observing such rule, regulation, order or judgment. Any party whose property has been so placed in the hands of a receiver may move to dissolve such receivership and to discharge the receiver upon such terms as the court may prescribe.

Sec. 13. Nothing herein contained or authorized, and no suit by or against the Commission, and no penalties imposed upon or claimed against any party violating any statute of this State, or any rule, regulation or order of the Commission, shall impair or abridge or delay any cause of action for damages, or other relief, any owner of any land or any producer of crude petroleum oil or natural gas, or any other party at interest, may have or assert against any party violating any rule, regulation or order of the Commission, or any judgment herein mentioned. Any party owning any interest in any property or production which may be damaged by any other party violating this act or any other statute of this State prohibiting waste or violating any valid rule, regulation or order of the Commission, may sue for and recover such damages and have such other relief as he may be entitled to in law or in equity.

Sec. 14. The purchase, transportation, or handling of crude petroleum oil or natural gas produced from any property in excess of the

amount allowed by any statute or any rule, regulation, or order of the Commission is hereby prohibited, and the Commission shall have power to enjoin any violation of this section.

Sec. 15. Article 6029 of the Revised Civil Statutes of 1925 is hereby amended so that it shall hereafter read as follows:

"Article 6029.—Rules and Regulations—The Commission shall make and enforce rules and regulations for the conservation of oil and gas.

"1. To prevent the physical waste, as hereinbefore defined, of oil and gas in drilling and producing operations and in the storage, piping, and distribution thereof.

"2. To require dry or abandoned wells to be plugged in such way as to confine oil, gas, and water in the strata in which they are found and to prevent them from escaping into other strata.

"3. For the drilling of wells and preserving a record thereof.

"4. To require such wells to be drilled in such manner as to prevent injury to adjoining property.

"5. To prevent oil and gas and water from escaping from the strata in which they are found into other strata.

"6. To establish rules and regulations for shooting wells and for separating oil from gas.

"7. To require records to be kept and reports made by oil and gas drillers, operators, and pipe line companies and by its inspectors.

"8. It shall do all things necessary to prevent physical waste of oil and gas as hereinbefore defined whether herein enumerated or not and shall establish such rules and regulations as will be necessary to carry into effect this law and to conserve the oil and gas of this State by preventing physical waste as herein defined."

Sec. 16. Nothing in this act contained shall be construed to relieve any party from the duties and obligations imposed by Chapter 36, Page 17, of the Acts of the Forty-first Legislature at its Fifth Called Session, commonly known as the Common Purchaser Act and all amendments thereto, nor to modify or change any other provisions of said acts. Nothing in this act contained shall modify

or change in any way the terms and provision of Senate bill No. 337, passed by the Forty-second Legislature at its Regular Session, commonly known as the Marginal Well Bill. This act shall not repeal any existing law except where it supercedes such existing law or is in conflict therewith.

Sec. 17. This act shall be cumulative of all laws of the State of Texas not inconsistent herewith, relative to crude petroleum oil and natural gas.

Sec. 18. All persons entrusted with the enforcement of the orders, rules, and regulations of the Commission shall be regular employes of the State of Texas and paid by the State of Texas, and no persons other than the regular employes of the State of Texas shall be charged with or relied upon for the performance of any such duties.

Sec. 19. If any of the sections, clauses, or any provisions of this act or of any other act referred to by this act shall be held unconstitutional, or otherwise invalid or unenforceable, such holding shall not have the effect of nullifying or in anywise affecting the remainder of this act, and the parts of this act not so held to be unconstitutional or invalid shall remain in full force and effect.

Sec. 20. The term "party" as used in this act shall include all persons, firms, associations, corporations, trustees and receivers. The term "Commission" shall mean the Railroad Commission of Texas.

Sec. 21. This act shall not amend, repeal, change, alter or affect in any manner the anti-trust laws of this State.

Sec. 22. Article 6032 of the Revised Civil Statutes of 1925 is hereby amended so that hereafter the same shall read as follows:

"Article 6032. There is hereby levied a tax of one-tenth of 1 cent per barrel of 42 standard gallons of crude petroleum produced within this State, which shall be in addition to and collected in the same manner as the present gross receipts production tax on crude petroleum. Producers of crude petroleum are hereby required to make reports of production in the same manner and under the same penalties as for the gross production tax. The tax thus collected shall be paid

into the State Treasury as other revenues, and shall be paid out on warrants as other funds. The funds derived from this tax shall be used for the administration of this law and the laws mentioned and referred to by this act. Any yearly excess of the tax over and above the requirements of the Commission shall become a part of the general revenue of the State and any deficiency shall be made up out of the general revenues of the State."

Sec. 23. The Commission is hereby authorized and directed to employ such supervisors, deputy supervisors and umpires as may be necessary to carry out the provisions of this act and all related laws and orders, rules and regulations of such Commission made thereunder, and it shall likewise employ such other assistants and clerical help as may be necessary from time to time for the same purpose, and there is hereby expressly appropriated out of the funds derived from the tax levied in this act, a sufficient amount to pay such salaries and expenses. The salaries of such employes shall be fixed by the Railroad Commission until provided for by the next session of the Legislature, such salaries to be reasonable and not to exceed salaries now being paid for similar service.

Sec. 24. The fact that the present laws for the prevention of waste of the natural resources of Texas are inadequate to protect not only the State but the landowners and royalty owners, as well as the producers of oil and gas, and that the State of Texas, in its endeavor to prevent waste of such natural resources, is being hindered by suits questioning its powers and duties with respect to such matters, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is hereby suspended, and that this act shall take effect and be in force from and after its passage, and it is hereby so enacted.

Mr. Greathouse moved a call of the House for the purpose of maintaining a quorum pending consideration of the conference committee report on House bill No. 25, and the call was duly ordered.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

Mr. Wagstaff moved that the report be adopted.

Mr. Farmer moved that the conference committee report be rejected and that a new committee be appointed.

Mr. Petsch moved to table the substitute motion.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—110.

Adams of Harris.	Holland.
Adams of Jasper.	Holloway.
Adamson.	Howsley.
Adkins.	Hubbard.
Albritton.	Hughes.
Alsup.	Jackson.
Anderson.	Johnson
Barron.	of Dallam.
Bounds.	Johnson
Boyd.	of Dimmit.
Brooks.	Johnson of Morris.
Bryant.	Jones of Shelby.
Burns	Justiss.
of McCulloch.	Kayton.
Carpenter.	Keller.
Caven.	Kennedy.
Claunch.	Laird.
Cox of Lamar.	Lasseter.
Cox of Limestone.	Lee.
Cunningham.	Lemens.
Dale.	Leonard.
DeWolfe.	Lilley.
Donnell.	Long.
Dowell.	McDougald.
Duvall.	McGill.
Dwyer.	Magee.
Engelhard.	Mathis.
Ferguson.	Mehl.
Fisher.	Metcalfe.
Forbes.	Moffett.
Ford.	Morse.
Fuchs.	Munson.
Gilbert.	Murphy.
Goodman.	Nicholson.
Graves.	Olsen.
Greathouse.	O'Quinn.
Grogan.	Patterson.
Hardy.	Petsch.
Harrison	Ramsey.
of El Paso.	Ratliff.
Hatchitt.	Ray.
Herzik.	Reader.
Hill.	Richardson.
Hines.	Rountree.
Holder.	Sanders.

Savage.	Towery.
Shelton.	Turner.
Smith of Bastrop.	Van Zandt.
Sparkman.	Wagstaff.
Stephens.	Walker.
Stevenson.	Warwick.
Steward.	Weinert.
Strong.	West of Coryell.
Sullivant.	West
Tarwater.	of Cameron.
Terrell	Westbrook.
of Cherokee.	Wyatt.
Terrell	Young.
of Val Verde.	

Nays—16.

Akin.	Hanson.
Baker.	Hefley.
Beck.	Lockhart.
Bond.	McGregor.
Daniel.	Rogers.
Dodd.	Scott.
Elliott.	Smith of Wood.
Farmer.	Vaughan.

Present—Not Voting.

Brice.	Wiggs.
Veatch.	

Absent.

Bedford.	Harrison
Burns of Walker.	of Waller.
Dunlap.	Hoskins.
Farrar.	McCombs.
Finn.	Martin.
Giles.	Pope.
Harman.	Satterwhite.
	Sherrill.

Absent—Excused.

Bradley.	Davis.
Coltrin.	Jones of Atascosa.
Coombes.	Moore.

Question then recurring on the motion by Mr. Wagstaff, it prevailed by the following vote:

Yeas—124.

Adams of Harris.	Burns of Walker.
Adams of Jasper.	Burns
Adamson.	of McCulloch.
Adkins.	Carpenter.
Albritton.	Caven.
Alsup.	Claunch.
Anderson.	Cox of Lamar.
Baker.	Cox of Limestone.
Barron.	Cunningham.
Beck.	Dale.
Bedford.	Daniel.
Bounds.	DeWolfe.
Boyd.	Dodd.
Brice.	Donnell.
Brooks.	Dowell.
Bryant.	Dunlap.

Duvall.	Magee.
Dwyer.	Mehl.
Engelhard.	Metcalfe.
Ferguson.	Moffett.
Finn.	Morse.
Fisher.	Munson.
Forbes.	Murphy.
Ford.	Nicholson.
Fuchs.	O'Quinn.
Gilbert.	Patterson.
Giles.	Petsch.
Goodman.	Ramsey.
Graves.	Ratliff.
Greathouse.	Ray.
Grogan.	Reader.
Hanson.	Richardson.
Hardy.	Rountree.
Harman.	Sanders.
Harrison	Satterwhite.
of El Paso.	Savage.
Hatchitt.	Scott.
Herzik.	Shelton.
Hill.	Sherrill.
Hines.	Smith of Bastrop.
Holder.	Smith of Wood.
Holland.	Sparkman.
Holloway.	Stephens.
Hoskins.	Stevenson.
Howsley.	Steward.
Hubbard.	Strong.
Hughes.	Sullivant.
Jackson.	Tarwater.
Johnson	Terrell
of Dallam.	of Cherokee.
Johnson	Terrell
of Dimmit.	of Val Verde.
Johnson of Morris.	Towery.
Jones of Shelby.	Turner.
Justiss.	Van Zandt.
Kayton.	Veatch.
Kennedy.	Wagstaff.
Laird.	Walker.
Lee.	Warwick.
Lemens.	Weinert.
Leonard.	West of Coryell.
Lilley.	West of Cameron.
Long.	Westbrook.
McDougald.	Wyatt.
McGill.	Young.

Nays—12.

Akin.	Lockhart.
Bond.	McGregor.
Elliott.	Olsen.
Farmer.	Rogers.
Hefley.	Vaughan.
Lasseter.	Wiggs.

Present—Not Voting.

Farrar.

Absent.

Harrison	Martin.
of Waller.	Mathis.
Keller.	Pepe.
McCombs.	

Absent—Excused.

Bradley.	Davis.
Coltrin.	Jones of Atascosa.
Coombes.	Moore.

Reasons for Vote.

I vote for the "Free Conference Committee Report" on House bill No. 25 as the only bill we can pass at this session. While it is not satisfactory it may aid the oil industry to recover from the present depression.

TERRELL of Cherokee.

I voted "yea" on the question of adopting the report of the free conference committee on House bill No. 25 reluctantly. The bill reported by the committee will afford some correction of existing wasteful practices in the oil fields and will speed up the procedure and give the Railroad Commission better powers of enforcement, but it does not contain provisions that indicate much promise of relief from the lamentable economic waste that is occurring to the detriment of the property of the State of Texas, to taxpayers of the State, and to the oil industry itself. In expressly forbidding consideration of economic waste or the scheduling of production in relation to market demand, this Legislature has refused to concur in the conservation principles that are recognized and enforced in every oil producing state or country in the world except Roumania and Texas. Failure to limit production to market demand, instead of preventing monopoly, will encourage monopoly by continuing conditions that are rapidly eliminating independent operators. We have missed a great and distinct opportunity to stabilize one of the most important industries in this State.

BECK.

I vote "yea" on the conference report on House bill No. 25, not because I believe it is sufficient to meet the demands with reference to the deplorable condition that the oil business is in today, but it is the best that this Legislature will be able to pass and, not being willing to adjourn without some improvement over the present law, I am giving my support to this free conference report.

SATTERWHITE.

IN COMMITTEE OF THE WHOLE HOUSE.

(Mr. Minor in the chair.)

On motion of Mr. Graves, the House, at 5 o'clock p. m., resolved itself into a Committee of the Whole House for the purpose of hearing the impeachment charges heretofore filed against Judge J. B. Price.

IN THE HOUSE.

(Mr. Minor in the chair.)

At 6:20 o'clock p. m., Mr. Minor, Chairman of the Committee of the Whole House, reported to the House that the Committee desired to rise, report progress and ask leave of the House to sit again at 9 o'clock a. m. tomorrow.

RECESS.

On motion of Mr. Hardy, the House, at 6:25 o'clock p. m., took recess to 8 o'clock p. m. today.

NIGHT SESSION.

The House met at 8 o'clock p. m., and was called to order by the Speaker.

PROVIDING FOR THE ACCEPTANCE BY THE STATE OF A MOUNTED BUFFALO HEAD.

Mr. Warwick offered the following resolution:

Whereas, The Texas Legislature has authorized the purchase of the Goodnight herd of buffalo by the Game, Fish and Oyster Department of this State; and

Whereas, Fred L. Haskett, representative of the owners of this herd, has offered as a gift to the House of Representatives a mounted buffalo head; therefore, be it

Resolved, That the mounted head be accepted at such time as presented, and that the Speaker of the House be authorized to place the same in the Hall of the House of Representatives.

WARWICK,
TARWATER,
CUNNINGHAM,
HATCHITT,
SHELTON,
TERRELL of Val Verde.

The resolution was read second time, and was adopted.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, August 12, 1931.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has receded from its request for a conference committee on Senate bill No. 11, and has concurred in the House amendments by a vote of 29 yeas and 0 nays.

The Senate has concurred in House amendments to Senate bill No. 37 by a viva voce vote.

The Senate has refused to concur in House amendments to Senate bill No. 11 and requests the appointment of a conference committee. The following have been appointed on the part of the Senate: Messrs. Purl, Hornsby, Berkeley, Loy and Holbrook.

The Senate has adopted

H. C. R. No. 19, Authorizing Clerk of the House to make corrections on House bill No. 33.

The Senate has adopted the conference report on House bill No. 25 by the following vote: yeas 30, nays 1.

The Senate has passed

H. B. No. 72, A bill to be entitled "An Act providing for a rural school supervisor in Van Zandt county in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools of the county and work in co-operation with teachers; prescribing the salary of said supervisor, and how it shall be paid; providing other things incidental to said purpose, and declaring an emergency," with amendments.

Respectfully,

BOB BARKER,
Secretary of the Senate.

TO AUTHORIZE CERTAIN COR-
RECTION IN HOUSE BILL
NO. 33.

Mr. Johnson of Morris offered the following resolution:

H. C. R. No. 20, To authorize certain correction in House bill No. 33.

Whereas, The words "House bill No. 717, Acts of the Regular Session of the Forty-second Legislature and" have been omitted in Section 1 of House bill No. 33; therefore, be it

Resolved by the House of Representatives, the Senate concurring,

That the Enrolling Clerk of the House be directed to insert these words at the proper place.

The resolution was read second time, and was adopted.

PROVIDING FOR LEGISLATIVE
TAX SURVEY COMMITTEE.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 6, Providing for legislative tax survey committee.

Whereas, The tax laws of the State of Texas are a series of separate, and in many instances incoherent, measures enacted at different times and are not, when taken as a whole, grounded on a sound and fair basis as to the various taxable values existing within the State; and

Whereas, The growth of new industries in the State, and the change in conditions of other industries and taxable values in the State, demand a careful study of conditions as they now exist to the end that taxation may be equalized within the spirit that provides in the State Constitution that "taxes shall be equal and uniform"; and

Whereas, On account of the deplorable condition of the oil business and of the farming and cattle industries of this State, revenues of the State are cut down several million dollars, thus making it imperative that the Regular Session of the Forty-third Legislature shall take prompt action to correct the serious situation with reference to taxes and with reference to revenues for the support of the State government; and

Whereas, Owing to the importance and magnitude of this subject, it is impracticable and impossible at the present session of the Legislature fairly to consider and readjust and equalize the taxes; and

Whereas, There is a general demand over the State for a fair and just equalization of the taxes that must be levied to provide the revenue necessary to the proper and economical operation of the State government; therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That a committee of seven persons, to be known as the Legislative Tax Survey Committee, be created, as follows:

During the present session of the Legislature, or within ten days there-

after, the President of the Senate shall appoint as members of this committee three members of the Senate, and the Speaker of the House of Representatives shall appoint as members of this committee four members of the House. Said presiding officers shall be authorized to fill any vacancies that may occur on said committee.

That the duties of the committee shall be prescribed generally as follows:

The committee, if appointed before this session of the Legislature adjourns, shall meet in the Capitol in Austin before the session of this Legislature adjourns; otherwise on October 20 thereafter, and shall organize by electing one of its members chairman and another secretary, and such other officers as may be necessary; and shall at said meeting determine upon and fix a place and a date for its next business meeting.

The committee shall adopt such rules and regulations as are necessary to carry out the provisions of this resolution.

The committee shall be provided with a committee room in the Capitol in Austin, and in its sessions shall be open to the public except at such times as the committee may by majority vote determine to hold an executive session.

The committee shall begin its work at its second meeting and shall continue its sessions and investigations as may be determined by a majority vote of the committee until its work has been completed; but it shall conclude its investigations and make its report to the Regular Session of the Forty-third Legislature.

The committee herein provided shall have free access to all books and records in the several departments of the State government and of any other political subdivision of the State.

The committee shall also have power to require from all persons, firms and corporations in this State such information as it may desire with reference to the properties and tax burdens being borne by same.

The committee shall have the power to issue such process as necessary to compel the attendance of witnesses or production of books, records or other information as may be desired by it in the proper discharge of its duties.

The committee shall make a careful study of the subject of revenue and taxation, with special reference to the problems presented in Texas and with special reference to the comparative burdens of taxes as borne by the various industries and taxable values. And the committee may secure information as to the revenue and taxation laws and the effects of its laws in other States; and may gather such other information and study the same as in the opinion of the committee will aid in arriving at a fair plan of taxation in the State of Texas.

The committee shall have power and authority to employ and compensate all necessary experts, investigators, stenographers and other clerical help, and it shall be the duty of said committee to make and keep a record of its investigations and of all funds expended by it and to whom paid and the amounts thereof. It shall not be the duty, however, of said committee to keep a stenographic report of all information or investigations made by it, but it shall have the authority to keep such record as it may deem advisable.

The report of the committee, as herein provided, shall make such recommendations as to legislation as may in its judgment be necessary to secure sufficient funds for a proper and economical administration of the departments of government, education and eleemosynary institutions and as will, as nearly as possible, fairly and equitably and impartially distribute such burdens against its citizens and their property and make a reality of the constitutional provision that "taxes shall be equal and uniform."

The members of the committee shall receive no compensation for the performance of their services as members of the committee, but they shall receive during the time they actually serve their traveling expenses, including hotel, telegraph, telephone, postage and express expenses incurred in the discharge of their duties; and the committee shall be authorized and empowered to purchase such stationery and other supplies as may be necessary for the discharge of their duties.

There is hereby appropriated from the contingent fund of the Forty-second Legislature the sum of \$7500, or so much thereof as may be necessary, for the purpose of defraying

the expenses of the committee hereby created, including the publication of copies of the committee report and the distribution of same to the members of the Legislature, and the heads of State departments, and to such other citizens of the State of Texas as the committee may decide.

Provided further, that all expenditures of such committee shall be made upon the sworn account of the persons entitled to such pay, when approved by the chairman and secretary of the committee. The secretary shall file with the State Comptroller of Public Accounts a statement showing in detail the expenditures made by such committee and the amounts and to whom all payments were made.

The resolution was read second time.

Mr. Morse offered the following amendment to the resolution:

Amend Senate concurrent resolution No. 6 by striking out all of the last paragraph on page 2 and inserting in lieu thereof the following: "The committee shall begin its work not later than at its second meeting and shall continue its sessions and investigations as may be determined by a majority vote of the committee until its work has been completed; but it shall conclude its investigations and make its report to the Legislature as soon as is practicable; provided, however, its report shall be made not later than the end of the first week of the Regular Session of the Forty-third Legislature. The committee's report shall be accompanied by bills prepared for introduction in the Legislature in instances where definite legislation is recommended and where such action is practicable."

MORSE,
JOHNSON of Dallam,
MOFFETT.

Mr. Petsch moved the previous question on the pending amendment and the resolution, and the main question was ordered.

Question first recurring on the amendment, it was adopted.

Question recurring on the resolution as amended, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—56.

Barron.	Johnson
Beck.	of Dimmit.
Bond.	Jones of Shelby.
Bounds.	Lasseter.
Burns of Walker.	Lee.
Burns	Leonard.
of McCulloch.	McCombs.
Cunningham.	Magee.
DeWolfe.	Moffett.
Donnell.	Morse.
Duvall.	Olsen.
Elliott.	O'Quinn.
Engelhard.	Patterson.
Fisher.	Ramsey.
Forbes.	Richardson.
Fuchs.	Rogers.
Gilbert.	Rountree.
Giles.	Sanders.
Graves.	Shelton.
Grogan.	Steward.
Hanson.	Strong.
Hardy.	Sullivan.
Harrison	Towery.
of Waller.	Veatch.
Hefley.	Wagstaff.
Herzik.	Walker.
Holder.	Weinert.
Hoskins.	West of Coryell.
Johnson	West of Cameron.
of Dallam.	Wyatt.

Nays—45.

Adamson.	Keller.
Albritton.	Kennedy.
Alsup.	Laird.
Anderson.	Lilley.
Baker.	Lockhart.
Bedford.	McDougald.
Brice.	McGill.
Brooks.	McGregor.
Bryant.	Munson.
Claunch.	Nicholson.
Cox of Lamar.	Ratliff.
Cox of Limestone.	Savage.
Dale.	Scott.
Dodd.	Sherrill.
Farmer.	Smith of Wood.
Ford.	Sparkman.
Goodman.	Terrell
Harman.	of Cherokee.
Harrison	Turner.
of El Paso.	Van Zandt.
Hines.	Vaughan.
Holloway.	Westbrook.
Hughes.	Wiggs.
Justiss.	

Absent.

Adams of Harris.	Caven.
Adams of Jasper.	Daniel.
Adkins.	Dowell.
Akin.	Dunlap.
Boyd.	Dwyer.
Carpenter.	Farrar.

Ferguson.	Metcalf.
Finn.	Murphy.
Greathouse.	Petsch.
Hatchitt.	Pope.
Hill.	Ray.
Holland.	Reader.
Howsley.	Satterwhite.
Hubbard.	Smith of Bastrop.
Jackson.	Stephens.
Johnson of Morris.	Stevenson.
Kayton.	Tarwater.
Lemens.	Terrell
Long.	of Val Verde.
Martin.	Warwick.
Mathis.	Young.
Mehl.	

Absent—Excused.

Bradley.	Davis.
Coltrin.	Jones of Atascosa.
Coombes.	Moore.

Mr. Barron moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, August 12, 1931.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 20, Authorizing the Enrolling Clerk of the House to correct House bill No. 33.

Respectfully,

BOB BARKER,
Secretary of the Senate.

PROVIDING FOR COMMITTEE TO INVESTIGATE LITIGATION OF VARIOUS DISTRICT COURTS.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 13, Providing for committee to investigate litigation of various district courts.

Whereas, The judicial system of Texas is being operated at tremendous expense to the taxpayers of Texas; and

Whereas, There are now one hundred and twenty-five district courts in Texas, sitting in districts varying in population from more than 100,000 people to as small a population as

16,000 people, and there are now pending before the Legislature several bills designed to create new and additional district courts; and

Whereas, Experience has demonstrated that in few if any instances have courts been abolished after the emergency which brought about the necessity for their creation has passed; and

Whereas, It is apparent from these figures and facts that the distribution of judicial districts in Texas is very much disorganized, unfair and wholly lacking in unanimity; and

Whereas, Such conditions evidence the fact that a number of district judges are overworked and that probably a greater number do not have sufficient litigation to require a full expenditure of their time; and

Whereas, Such a condition of things is not conducive to the efficient operation of courts and is very expensive to the taxpayers of Texas; and

Whereas, It is apparent from the record that additional relief by way of creating new district courts is necessary in some parts of Texas; and

Whereas, The government is already overburdened with too many district courts, many of which, doubtless, would be eliminated in the event the State should be redistricted for district court purposes and by such means a great amount of money would be saved to the people of Texas, and at the same time afford all the necessary district courts required by every section of Texas; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, that a committee of three, one of whom shall be appointed from the membership of the Senate, by the President of the Senate, and the other members shall be appointed by the Speaker of the House of Representatives from the membership of the House of Representatives, and said committee is hereby instructed to make a thorough investigation into the various judicial districts and district courts of Texas for the purpose of determining as nearly as possible the amount of litigation being transacted by each and every district court in Texas. Said committee may report back to any future Called Session of the Forty-second Legislature its findings and recommendations for redistricting the State for district court purposes, but said committee shall re-

port its findings and recommendations to the Regular Session of the Forty-third Legislature; and be it further

Resolved, That all necessary expenses pertaining to said investigation, this committee's labors, including expenses of the committee while on such business shall be paid out of the funds now in the State Treasury, left over from the contingent fund of the Forty-second Legislature or any of its called sessions to be paid out on sworn accounts, signed by the chairman of this committee and the Speaker of the House; provided such expense shall not exceed five hundred dollars (\$500). Such committee shall elect a chairman and secretary; the chairman shall preside over such committee meetings, and, with the consent of the majority of the committee, shall direct its activities.

Said committee herein mentioned shall prepare a bill designed to re-district the State for district court purposes and have same ready for submission to the Legislature not later than the Regular Session of the Forty-third Legislature, and said committee may make such other recommendations as it thinks will tend to aid the judiciary of the State.

The resolution was read second time.

Mr. Petsch moved the previous question on the pending resolution, and the main question was ordered.

Question recurring on the resolution, it was adopted.

HOUSE BILL NO. 72, WITH SENATE AMENDMENTS.

Mr. Richardson called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 72, A bill to be entitled "An Act providing for a rural school supervisor in Van Zandt county in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools of the county and work in co-operation with teachers; prescribing the salary of said supervisor, and how it shall be paid; providing other things incidental to said purpose, and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

Mr. Richardson moved that the House concur in the Senate amendments.

Mr. Terrell of Cherokee moved that the House do not concur in the Senate amendments, and that a free conference committee be requested to adjust the differences between the two houses on the bill.

Mr. Alsup moved to table the motion by Mr. Terrell of Cherokee.

The motion to table was lost.

Question then recurring on the motion by Mr. Terrell of Cherokee, it prevailed.

In accordance with the above action, the Speaker announced the appointment of the following conference committee:

Messrs. Richardson, Johnson of Morris, Terrell of Cherokee, Alsup, and Burns of Walker.

DIRECTING STATE COMPTROLLER TO DELIVER CERTAIN HISTORIC LEGENDS TO STATE LIBRARY.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 14, Directing the State Comptroller to deliver certain historic legends to the State Library.

Whereas, There is in the basement of the State Capitol a collection of old ledgers, books and records of the early government of Texas; and

Whereas, These records are of value to the State historically and should be placed in the State Library, there to be preserved as nearly as possible in their original form for posterity; therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the State Comptroller be, and he is hereby, directed to deliver to the State Librarian such of these historic ledgers, books and other records as might preserve and perpetuate the early history of Texas as an independent Nation and as a State.

The resolution was read second time, and was adopted.

SENATE BILL NO. 61 ON SECOND READING.

Mr. Anderson moved that the 72-hour rule, which relates to the consideration of bills, be suspended for the purpose of taking up and considering Senate bill No. 61.

The motion prevailed.

The Speaker laid before the House,

on its second reading and passage to third reading,

S. B. No. 61, A bill to be entitled "An Act to amend subdivision (b) of Section 3, Senate bill No. 625, Chapter 241, Acts of the Regular Session of the Forty-second Legislature, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 61 ON THIRD READING.

Mr. Anderson moved that the constitutional rule requiring bills to be read on three several days be suspended, and that Senate bill No. 61 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—102.

Mr. Speaker.	Harrison
Adams of Jasper.	of El Paso.
Akin.	Harrison
Albritton.	of Waller.
Alsup.	Hefley.
Anderson.	Herzik.
Baker.	Hines.
Barron.	Holder.
Beck.	Holland.
Bedford.	Holloway.
Bond.	Hughes.
Bounds.	Johnson
Boyd.	of Dallam.
Brice.	Johnson
Burns of Walker.	of Dimmit.
Burns	Johnson of Morris.
of McCulloch.	Jones of Shelby.
Claunch.	Justiss.
Cox of Lamar.	Kayton.
Cox of Limestone.	Keller.
Cunningham.	Kennedy.
Dale.	Laird.
DeWolfe.	Lee.
Dodd.	Lemens.
Donnell.	Lilley.
Dunlap.	Lockhart.
Duvall.	McCombs.
Dwyer.	McDougald.
Engelhard.	McGill.
Fisher.	McGregor.
Forbes.	Magee.
Ford.	Mehl.
Fuchs.	Moffett.
Gilbert.	Morse.
Giles.	Munson.
Goodman.	Olsen.
Graves.	O'Quinn.
Grogan.	Ratliff.
Hanson.	Ray.
Harman.	Reader.

Richardson.	Towery.
Rogers.	Turner.
Rountree.	Van Zandt.
Sanders.	Vaughan.
Savage.	Veatch.
Scott.	Wagstaff.
Shelton.	Walker.
Sherrill.	Warwick.
Smith of Wood.	Weinert.
Sparkman.	West of Coryell.
Steward.	West of Cameron.
Strong.	Westbrook.
Tarwater.	Wyatt.
Terrell of Cherokee.	

Nays—1.

Farmer.

Absent.

Adams of Harris.	Jackson.
Adamson.	Jones of Atascosa.
Adkins.	Lasseter.
Bradley.	Leonard.
Brooks.	Long.
Bryant.	Martin.
Carpenter.	Mathis.
Caven.	Metcalfe.
Coltrin.	Moore.
Coombes.	Murphy.
Daniel.	Nicholson.
Davis.	Patterson.
Dowell.	Petsch.
Elliott.	Pope.
Farrar.	Ramsey.
Ferguson.	Satterwhite.
Finn.	Smith of Bastrop.
Greathouse.	Stephens.
Hardy.	Stevenson.
Hatchitt.	Sullivant.
Hill.	Terrell
Hoskins.	of Val Verde.
Howsley.	Wiggs.
Hubbard.	Young.

The Speaker then laid Senate bill No. 61 before the House on its third reading and final passage.

The bill was read third time, and was passed.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, August 12, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House amendments to Senate concurrent resolution No. 6 by a viva voce vote.

Respectfully,

BOB BARKER,
Secretary of the Senate.

RELATIVE TO MINERAL DEPOSITS ON CERTAIN LANDS.

The Speaker laid before the House, for consideration at this time, Senate concurrent resolution No. 4, relative to certain mineral deposits on certain lands, the resolution having heretofore been read second time and referred to the Committee on Public Lands and Buildings.

The committee having filed a favorable report on the resolution.

Mr. Keller offered the following amendment to the resolution:

Amend resolution by adding to end of resolving clause:

"And be it further resolved by the Legislature, That all river beds are off of the market and not subject to sale or lease."

The amendment was adopted.

The resolution as amended was then adopted.

PROVIDING FOR POST-SESSION WORK FOR CERTAIN EMPLOYEES.

Mr. Warwick offered the following resolution:

Whereas, It is necessary that certain officers and employes perform certain duties in order to complete the work of their departments; now, therefore, be it

Resolved, That the following officers and employes be retained after the adjournment of the First Called Session, not to exceed the number of days herein specified, exclusive of Sundays:

The Chief Clerk, 5 days for the purpose of collecting and arranging all bills, resolutions and petitions in her possession and delivering the same to the Secretary of State, and to complete other duties imposed on her by resolutions and by the rules of the House; the Assistant to the Chief Clerk, 3 days, and Clerk to the Chief Clerk, 2 days.

The Clerk to the Contingent Expense Committee, 4 days for the purpose of checking and posting up accounts, mailing out vouchers and closing up the affairs of the Committee on Contingent Expense, and the Stenographer to the Contingent Expense Committee, 3 days to assist her.

The Warrant Clerk, 4 days to complete the posting of her books.

The Mailing Clerk and Assistant Mailing Clerk, 1 day each for the purpose of mailing out House Journals

not received from the printer until after sine die adjournment.

The Voting Machine Operator, 1 day for the purpose of cleaning the voting machine.

The Secretary, Clerk and Porter to the Speaker, 1 day each to assist him in winding up the affairs of his office.

The Mimeograph Operator, 1 day to clean mimeograph machine.

The Superintendent of Stenographers and Page, 1 day each.

Enrolling and Engrossing Clerks, 1 day each for the purpose of indexing and filing with the Chief Clerk all bills and resolutions in their departments.

The Calendar Clerk, 2 days, and the Assistant Calendar Clerk, 2 days, for the purpose of completing their records and delivering all records, bills and resolutions in their possession to the Chief Clerk.

The Sergeant-at-Arms and the Bookkeeper to the Sergeant-at-Arms, 5 days, one Storekeeper, 1 day, to assist them and they shall be charged with the duty of arranging for publication in the Journal of such stationery and supply accounts as are now required to be published or which have been ordered published by the House, also the expense account for the stationery and supplies for each employe or member of the First Called Session. The Sergeant-at-Arms shall collect all supplies and stationery left over, which shall be locked in the Sergeant-at-Arms' room, and he shall collect and deliver all furniture now in possession of the House to the Board of Control, taking a receipt for all such items, and an inventory of all such items shall be printed in the Permanent Journal, and the Sergeant-at-Arms may retain six porters for 4 days.

That 250 copies of the House Journal of the First Called Session of the Forty-second Legislature, when completed, shall be printed and shall be bound in full law sheep, and that one volume, when thus bound, shall be forwarded by the Journal Clerk of the House to each member of the House of Representatives, to each elective officer of the House, and to each Senator, and the remaining shall be turned over to the Secretary of State.

The printing of such House Journals in permanent form shall be done in accordance with pre-existing laws.

and with the provisions of this resolution, under the supervision of the Journal Clerk of the House.

It is further provided, that it shall be the duty of the Journal Clerk of the House not to receive or receipt for said House Journals until correctly published as required herein and by pre-existing law; provided, that the Journal Clerk shall be empowered to leave out of the Permanent Journal all bills which have been printed in the Daily Journal.

When said Journals have been published and the account approved by the State Printing Board, the same shall be paid out of the Contingent Expense Fund of the First Called Session of the Forty-second Legislature that is available; providing, that the Chairman of the Committee on Contingent Expense shall not issue voucher for said amount until the Journal Clerk has certified to him that the Journals have been published and delivered in accordance with the provisions of this resolution.

The Journal Clerk and his Assistant shall be retained for not more than 30 days each, exclusive of Sundays, after sine die adjournment for the purpose of correcting and indexing and the supervision of the publication of the Journals of the House of Representatives of the First Called Session of the Forty-second Legislature, and shall receive the same salary as received during the session, payable out of the Contingent Expense Fund, on bills in duplicate, with the usual affidavit attached.

That each employe so retained shall receive the same amount of salary as received for like work during this session, to be paid out of any sum appropriated for mileage and per diem of the members and officers and employes of the First Called Session of the Forty-second Legislature, the amount to be paid by warrants to be signed by the Speaker of the House and the Chief Clerk of the House.

The resolution was read second time.

Mr. Beck offered the following amendment to the resolution:

Amend the resolution to provide three days for Mailing Clerk and Assistant Mailing Clerks.

The amendment was adopted.

The resolution as amended was then adopted.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, August 12, 1931.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a free conference committee on House bill No. 72, and has appointed on the part of the Senate the following: Miss Neal, Messrs. Oneal, Greer, Thomason and Woodward.

The Senate has concurred in House amendments to Senate concurrent resolution No. 4 by a viva voce vote.

Respectfully,
BOB BARKER,
Secretary of the Senate.

RELATIVE TO ADJOURNMENT.

Mr. Graves offered the following resolution:

H. C. R. No. 21, Relative to adjournment.

Be it resolved by the House of Representatives, the Senate concurring, That the First Called Session of the Forty-second Legislature of the State of Texas adjourn for legislative purposes on August 12th, 1931, at 12 midnight, but that it shall continue in session for the purpose of hearing and disposing of impeachment matters now pending against J. B. Price until said matters have finally been disposed of by the Legislature.

The resolution was read second time, and was adopted.

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 64.

Mr. Metcalfe, Chairman of the conference committee on the part of the House appointed to adjust the differences between the House and Senate on Senate bill No. 64, reported to the House that the committees were unable to reach an agreement.

Mr. Vaughan moved that a new committee be appointed on the part of the House.

Mr. McDougald moved that the same committee be instructed to continue consideration of Senate bill No. 64.

Question first recurring on the motion by Mr. McDougald, it prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 72.

Mr. Richardson submitted the fol-

lowing conference committee report on House bill No. 72.

Committee Room,
Austin, Texas, August 12, 1931.

Hon. Edgar E. Witt, Lieutenant Governor, and Hon. Fred H. Minor, Speaker of the House of Representatives.

Sirs: We, your free conference committee appointed to adjust the differences between the House and Senate on House bill No. 72, beg leave to report that we have agreed to eliminate Cherokee county from the provisions of the bill and have agreed to add the following counties to the provisions of the bill: Scurry, Wood, Denton, Panola, Nacogdoches, Shelby, Morris, Parker, Jasper, Wise, Nolan, Titus, Cass, Live Oak and Anderson.

NEAL,
GREER,
WOODWARD,
WOODRUFF,
On the part of the Senate.
RICHARDSON,
JOHNSON of Morris,
TERRELL of Cherokee,
ALSUP,
BURNS of Walker,
On the part of the House.

On motion of Mr. Richardson, the report was adopted.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, August 12, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 21, Relating to sine die adjournment of the First Called Session of the Forty-second Legislature.

The Senate has adopted the conference committee report on House bill No. 72 by viva voce vote.

Respectfully,

BOB BARKER,
Secretary of the Senate.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolutions:

H. C. R. No. 20, To authorize certain corrections in House bill No. 33.

S. C. R. No. 13, Relative to investigating judicial system of Texas.

S. C. R. No. 4, Relative to mineral deposits on river bed lands.

S. C. R. No. 6, Providing for legislative tax survey committee.

S. C. R. No. 14, Directing the State Comptroller to deliver certain historic documents to State Library.

H. C. R. No. 21, Relative to adjournment.

H. C. R. No. 19, To authorize certain corrections in House bill No. 33.

H. B. No. 25, "An Act further prescribing the powers and duties of the Railroad Commission of Texas; further defining and prohibiting waste of oil and gas; amending Article 6014, Revised Civil Statutes of Texas, as amended by Chapter 313, Acts of 1929, Forty-first Legislature of the State of Texas; further defining physical waste, both underground and surface; and amending Article 6008, Revised Civil Statutes of 1925, of the State of Texas, requiring gas to be confined under the circumstances and conditions therein stated; providing for notice and hearing upon orders of said Commission; providing court procedure and for injunctions and appeals from said orders, and penalties for violating same; providing that if any part of this act shall be held unconstitutional, such holding shall not affect the remaining parts, and declaring an emergency."

S. B. No. 56, "An Act making an emergency appropriation of money to the Division of Child Welfare of the State Board of Control for the support, maintenance and operation of said Division for the two years beginning September 1, 1931, and ending August 31, 1933; providing the transfer of a portion of such appropriated amounts from other appropriated funds; prescribing means and manner of expenditure, and declaring an emergency."

S. B. No. 53, "An Act amending Section 1 of Chapter 129 of the General Laws of the State of Texas by the Forty-second Legislature, so that the same shall hereafter read that the Centennial Committee therein created shall be composed of twenty-one members instead of nine, and providing for their appointment, and declaring an emergency."

S. B. No. 12, "An Act conserving

and protecting, for the use of the public, buffaloes in Texas; making it unlawful for any person to kill, sell or transport the same except under certain conditions, and providing for a method of condemning the same by a State Game, Fish and Oyster Commission, in order that buffaloes may be conserved and protected against destruction; providing the procedure therefor, and declaring an emergency."

H. B. No. 72, "An Act providing for a rural school supervisor in Van Zandt county in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools of the county and work in co-operation with teachers; prescribing the salary of said supervisor, and how it shall be paid; providing other things incidental to said purpose, and declaring an emergency."

S. B. No. 61, "An Act to amend Subdivision (b) of Section 3, Senate bill No. 625, Chapter 241, Acts of the Regular Session of the Forty-second Legislature, and declaring an emergency."

S. B. No. 54, "An Act to validate the incorporation of all cities and towns incorporated, or attempted to be incorporated, under the General Laws of Texas, where, by inadvertence, oversight or mistake the field notes of such cities or towns were incorrectly set forth or where any other irregularity was had in the proceedings for the incorporation of such cities or towns, where such cities or towns have been operating and acting as such cities or towns, and where the governing body of such cities or towns has, or have, entered an ordinance correcting and setting forth the true field notes of the territory incorporated or attempted to be incorporated, or where the governing bodies of such cities or towns has or have entered an ordinance correcting such irregularity or irregularities, and declaring an emergency."

S. B. No. 62, "An Act to amend Article 2698, Revised Civil Statutes of Texas of 1925, and declaring an emergency."

S. B. No. 43, "An Act amending Article 7008, Chapter 7, Title 121, Revised Civil Statutes of Texas of 1925, so as empower commissioners courts of counties not exempted from said Chapter 7 to authorize inspectors of hides and animals thereof, after proper hearing, to charge not to ex-

ceed 25 cents for each hide or animal inspected and, in inspection of lots of more than fifty hides or animals, not to exceed 10 cents each for all hides or animals above that number, and declaring an emergency."

H. B. No. 33, "An Act to regulate the method of taking or catching fish in the public fresh waters of Morris and Titus counties, State of Texas, for the preservation and conservation of the fish in said counties; providing penalties for violation; repealing House bill No. 717, Regular Acts of the Forty-second Legislature, and all other laws in conflict herewith, and declaring an emergency."

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 64.

Mr. Metcalfe, chairman of the conference committee on the part of the House on Senate bill No. 64, again reported to the House that the committee were unable to reach an agreement and requested that they be discharged.

On motion of Mr. Goodman, the committee was discharged, and the House thanked the committee for its efforts.

REPORT OF INVESTIGATION CONDUCTED BY COMMITTEE ON EDUCATION.

The following report was ordered printed in the Journal:

Report of investigation conducted by Committee on Education, authorized in House resolution adopted on January 24, 1931:

The Committee on Education, pursuant to instructions contained in simple resolution adopted on or about January 24, 1931, sat a number of times as a committee of investigation. They summoned a number of witnesses, including the State Superintendent of Public Instruction, to come before them and testify. A large part of this testimony is preserved in the transcript, which is being attached to this report.

There were two phases of the investigation. The first of these was to determine the instructional value of certain material adopted by the State Superintendent as requirement for State aid in certain schools in this State. The particular material under investigation was the purchase of the

Hope of the Nation Series of Charts. The other line of investigation was to make certain inquiry to determine the type of legislation that should be recommended for passage to remedy any defects that might be found in the educational system.

In investigating the Hope of the Nation Series of Charts, the committee took much testimony and the record will show that the State Superintendent and his department defended the wisdom of adopting those charts, and the sellers of the charts also defended their value as instructional material. The other testimony controverted this point of view, but it was found that the particular complaint by those not connected with the Department of Education was that the price paid for the charts was entirely too high and testimony will be found to support both sides of this controversy. As a matter of fact, the committee is no doubt divided on the question as to whether or not the price to be paid for the charts was too high.

The practical result of this part of the investigation was the passage of the new Rural Aid Law placing the selections and prescribing all material for use of State Aid Schools in the hands of the State Board of Education.

Another practical result was the cancellation of a number of sales and returning of merchandise which from the compilation of data shows that a saving of between \$25,000 and \$35,000 resulted from this investigation in the nature of the purchase of these charts.

The committee is now convinced that the State Superintendent or anyone connected with the Department of Education was not guilty of any moral turpitude or misconduct in the adoption of the charts. It is the opinion of those members of the committee who think the price of the charts exorbitant and too high, that a mistake was made by the Department of Education and it was the mistake of judgment. But there is a division of the opinion of the committee on this question and the opinion would naturally rest with the House in the same manner.

The Attorney General advised the committee that the committee could not impair validity of contracts entered into. The committee consequently did not see fit to recommend

cancellation of sale contracts that had been made in good faith and in pursuance to the orders of the Superintendent.

Furthering the same line of inquiry, the committee went into the matter of commissions having been paid to teachers and other school officials. The committee found that this practice had grown up to a certain extent, but it finds that the publicity given in this investigation has remedied this matter until such time as ample legislation can be passed forbidding the practice, and the committee recommends that such legislation be enacted at the earliest practical date.

Another practical phase of the investigation was obtaining views and opinions from superintendents of independent school districts and county superintendents. The compilation of this investigation has involved quite a lot of clerical labor. This clerical labor has been copied and this data has been compiled in a synoptic form and the copy is being attached to this report. This data compiled from school officials in Texas suggested a considerable amount of school legislation which will no doubt be in the legislative program of succeeding Legislatures and particularly of the next regular session.

A large volume of other matter was turned over to the committee dealing with textbooks, expenditure of school funds, and matters of that kind, but on account of the time involved and on account of the nature of the Committee on Education, by reason of its position which should be a co-operative committee assisting the Department of Education, this data is being turned over to the general investigating committee constituted under the concurrent resolution for the investigating of all State Departments.

The Committee on Education has been somewhat unfortunately situated in the method of taking testimony. The hearings show that the committee has always been concerned with its duty to promote the cause of education in Texas, and that attitude has handicapped them perhaps as an investigating committee, because there are times when the investigating committee might well be ruthless and might well pursue lines of inquiry that would be embarrassing to a committee conducted like the Committee

on Education. The Committee on Education has shown itself very fair with the Department of Education and has shown no hesitancy in calling attention to unfortunate practices that have grown up in the State.

The recommendation of this committee is that the Textbook Division of the State Department of Education be carefully audited, and that the expenditures and schools funds of various counties be looked into.

We further recommend that the data in this investigation be studied by future Committees on Education, and that legislation be written and placed on the statute books more clearly safeguarding the expenditures of school funds and more clearly defining as a criminal offense the giving or taking of commissions by school officials of whatever character.

Respectfully submitted,

HOLDER,
ADKINS,
WEST,
COX of Lamar,
COX of Limestone,
ALSUP,
HILL,
STRONG,
AKIN,
SMITH,
JOHNSON of Dallam,
ROUNTREE,
HUGHES.

PROVIDING FOR COMMITTEES TO NOTIFY GOVERNOR AND SENATE.

Mr. McGill offered the following resolution:

Be it resolved by the House, That the Speaker appoint two committees of five members each, one to notify the Governor and the other to notify the Senate, that the House has completed its legislative labors and is now ready to adjourn so far as legislative matters are concerned, but will remain in session until the impeachment proceedings pending against Judge J. B. Price are completed in accordance with the law.

McGILL,
BOND.

The resolution was read second time, and was adopted.

In accordance with the above action the Speaker announced the appointment of the following:

Committee to notify the Governor: Messrs. McGill, O'Quinn, Walker, Cunningham, and Mrs. Hughes.

Committee to notify the Senate: Messrs. Bond, Olsen, Holloway, Mrs. Rountree, and Mr. Bounds.

GOVERNOR NOTIFIED.

The committee appointed to notify the Governor that the House has completed its labors and is now ready to adjourn sine die so far as legislative matters are concerned, appeared at the bar of the House and, being announced, stated that they had performed the duty assigned them.

SENATE NOTIFIED.

The committee appointed to notify the Senate that the House has completed its labors and is now ready to adjourn sine die so far as legislative matters are concerned, appeared at the bar of the House and, being duly announced, stated that they had performed the duty assigned them.

HOUSE NOTIFIED.

A committee from the Senate appeared at the bar of the House and, being duly announced, stated that the Senate has completed its labors and is now ready to adjourn sine die.

ADJOURNMENT SINE DIE.

At 12 o'clock midnight, the hour fixed by concurrent action by the two houses for adjournment sine die, Hon. Fred H. Minor, Speaker of the House of Representatives, pronounced the First Called Session of the Forty-second Legislature adjourned sine die so far as legislative matters are concerned, and stated that the House would remain in session for the purpose of considering the impeachment charges preferred against Judge J. B. Price.

ADJOURNMENT.

On motion of Mr. Lilley, the House, at 12 o'clock midnight, adjourned until 9 o'clock a. m. Thursday, August 13.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have filed favorable reports on bills, as follows:

Oil, Gas and Mining: Senate bill No. 13.

State Affairs: Senate bills Nos. 43 and 54.

Judiciary: Senate bill No. 3.

Education: Senate bills Nos. 62 and 42.

Congressional Districts: Senate bill No. 64.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,
Austin, Texas, August 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 45, A bill to be entitled "An Act amending Article 2350, Revised Civil Statutes of 1925, as amended by Chapter 290, General and Special Laws, passed at the Regular Session of the Fortieth Legislature, as amended by Chapter 46, General and Special Laws, passed at the First Called Session of the Fortieth Legislature, fixing the compensation of county commissioners according to assessed valuations, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS.

Committee Room,
Austin, Texas, August 12, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 49, "An Act creating the One Hundred and Twenty-fourth Judicial District to be constituted of Gregg county, Texas, only; fixing the time during which said court shall exist; providing for the terms thereof; providing that the clerk of the Seventy-first Judicial District Court of Gregg county, Texas, shall serve as clerk of said One Hundred and Twenty-fourth Judicial District; and providing for the duties of the district clerk of said One Hundred and Twenty-fourth Judicial District; and providing for the appointment of the judge thereof and his compensation; providing for the transfer of cases from the Seventy-first Judicial Dis-

trict Court of Gregg county to said One Hundred and Twenty-fourth Judicial District Court and from said One Hundred and Twenty-fourth Judicial District Court to the Seventy-first Judicial District Court of Gregg county; and providing for the jurisdiction of said court; creating the office of criminal district attorney of the One Hundred and Twenty-fourth Judicial District of the State of Texas; providing that the county attorney of Gregg county shall assume the duties of such office until the next general election, providing for the election of the criminal district attorney thereafter, prescribing his duties, tenure of office, compensation, qualifications, taking the official oath and giving bond; authorizing said criminal district attorney to appoint assistants, fixing their compensation, and providing for the payment of same out of the fees of office, and prescribing their duties; providing for said criminal district attorney to keep the accounts and make the reports now provided for other officers under the Maximum Fee Bill, providing the manner of filling vacancies in said office; and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,
Austin, Texas, August 12, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 12, "An Act providing that it shall be unlawful to throw, cast, discharge or deposit crude petroleum, oil, acids, sulphur, salt water, oil refinery wastes, or oil well wastes in any of the waters of this State; providing that salt water and treated sulphur water may be deposited in the tidal waters of this State and providing that salt water, under certain circumstances, may be deposited in the fresh waters of this State; providing for the enforcement of this act, disposition of fines and fees of the arresting officers; providing that this act shall be cumulative of all laws relating to the subject matter of this act, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,
Austin, Texas, August 12, 1931.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. C. R. No. 17, Authorizing cor-
rection in House bill No. 73.

Have carefully compared same and
find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,
Austin, Texas, August 12, 1931.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. C. R. No. 18, Authorizing cer-
tain corrections in House bill No. 37.

Be it resolved by the House of Rep-
resentatives of the Forty-second Leg-
islature, the Senate concurring, That
the enrolling clerk of the House be,
and is hereby authorized, to amend
the caption of H. B. No. 37 to con-
form to the body of the bill,

Have carefully compared same and
find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,
Austin, Texas, August 12, 1931.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 65, "An Act to author-
ize two (2) or more navigation dis-
tricts, all or parts of which are sit-
uated in a single county, and which
may be interested in or may be bene-
fited by, a navigation project which
has been approved by Act of Con-
gress of the United States, or by the
Secretary of War, to enter into con-
tracts with the Government of the
United States, or with each other, to
consummate such projects of common
interest, and as parts of such con-
tracts to assume joint or joint and
several liability for any and all acts
to be done as parts of such projects
of common interest; lend or contrib-
ute funds to the United States, or
to any other navigation district or
districts interested in such common
project, and in aid thereof; and as-
sume and become responsible for the
obligations of the United States, or
any other such navigation district,
incurred in furtherance of such proj-

ect of common interest; and declar-
ing an emergency,"

Have carefully compared same and
find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,
Austin, Texas, August 12, 1931.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 71, "An Act to exclude
from the Donna Irrigation District,
Hidalgo County No. 1, all of that
land now lying within the corporate
limits of the city of Donna; pro-
viding that the lands so excluded
shall continue to bear a tax which
will provide an interest and sinking
fund sufficient to retire that pro rata
part of the indebtedness which the
lands hereby excluded bear to the
entire indebtedness of the Donna Irri-
gation District, Hidalgo County No.
1, at the time of the exclusion of
said lands from said district; pro-
viding that this act shall in no way
impair the value of any bonds out-
standing against said district at the
time of the effective date of this act;
providing that if any of the indebt-
edness existing against the said
Donna Irrigation District, Hidalgo
County No. 1, on the effective date
of this act be cancelled or in any
similar manner reduced by said
Donna Irrigation District, Hidalgo
County No. 1, then those lands here-
by excluded from the said district
shall have the benefit of their pro
rata part of such reduction as that
pro rata part exists at the time of
the exclusion of said lands; granting
power to the board of directors of
the Donna Irrigation District, Hi-
dalgo County No. 1, to sell water
for use on lands excluded by this
act; providing that this act shall not
impair the ownership of any lands
or property or leases or easements
thereon lying within the territory of
the lands hereby excluded and owned
by said district; providing that if
any portion of this act shall be held
unconstitutional the validity of the
remainder of said act shall not be
affected thereby, and declaring an
emergency,"

Have carefully compared same and
find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,
Austin, Texas, August 12, 1931.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 15, "An Act to amend
Section 4 of Chapter 102, Special
Laws, Regular Session of the Forty-
second Legislature, which section de-
fines the open season for killing
squirrels in Wood county, fixing bag
limit and penalties,"

Have carefully compared same and
find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,
Austin, Texas, August 12, 1931.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 30, "An Act creating a
closed season upon wild deer, buck,
doe, fawn, or wild turkey for a pe-
riod of five (5) years in the coun-
ties of Harrison, Marion, Red River,
Cass, Bowie, Morris, Lamar, Camp,
Titus, and Upshur, in the State of
Texas, making it unlawful for any
person to hunt, trap, ensnare, kill
or attempt to kill, by any means
whatsoever, any wild deer, buck, doe,
fawn, or wild turkey within said
counties for a period of five (5)
years, providing a penalty therefor,
and declaring an emergency,"

Have carefully compared same and
find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,
Austin, Texas, August 12, 1931.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. C. R. No. 7, Requesting Governor
Sterling to submit the subject of tax-
ation.

Have carefully compared same and
find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,
Austin, Texas, August 12, 1931.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 75, "An Act making an
appropriation of the sum of fifty

thousand dollars (\$50,000), or so
much thereof as may be necessary,
out of the General Revenues, to pay
the per diem and mileage of members,
the per diem of officers and employes,
and the contingent expenses of the
second Legislature of the State of
Texas, convened on the 14th day of
July, 1931, by proclamation of the
Governor; to supplement the like ap-
propriation of the Regular Session
of said Legislature; to pay any un-
paid vouchers or warrants held by
members, officers or employes of the
Regular Session of said Legislature;
to pay any unpaid claims and ac-
counts of members, officers or em-
ployes of said session or of other
persons, authorized either by the
Senate or the House of Representa-
tives; to pay any and all sums for
whatever purpose authorized to be
expended by concurrent resolution of
the Forty-second Legislature at its
Regular Session; to pay the per diem
of members, officers or employes for
pre-session or post-session work of
the First Called Session of said For-
ty-second Legislature; providing how
accounts may be approved and au-
dited, and declaring an emergency,"

Have carefully compared same and
find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,
Austin, Texas, August 12, 1931.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 73, "An Act to conserve
fish in the Angelina, Attoyoc, Sabine
and Neches Rivers and their tribu-
taries in certain counties; providing
penalties for violations of this act;
permitting the use of nets of a cer-
tain size, and declaring an emer-
gency,"

Have carefully compared same and
find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,
Austin, Texas, August 12, 1931.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 37, "An Act amending
House Bill No. 943, passed at the
Regular Session of the Forty-second
Legislature of the State of Texas, be-
ing Chapter 159, page 311 of the

Special Laws of the State of Texas; prescribing a penalty; repealing all laws in conflict with said act, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,

Austin, Texas, August 12, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 48, "An Act to validate all ad valorem tax levies and assessments heretofore made by incorporated cities and towns in the State of Texas, which levies are unenforceable because of failure of the governing bodies of such respective incorporated cities and towns to make such levy by ordinance, and which are unenforceable because of the failure of such governing bodies to appoint the statutory board of equalization, or where the city council, city commission, or other governing body of such incorporated city or town have acted as a board of equalization in the fixing of the valuation of taxable property for ad valorem taxes within any such incorporated city or town; provided that the provisions of this act shall be applied only to those incorporated cities and towns in counties in this State having a population of seven thousand five hundred (7,500) to seven thousand seven hundred and fifty (7,750) according to the last preceding United States census, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,

Austin, Texas, August 12, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 32, "An Act making it unlawful to hunt, shoot, or kill any quail in Falls and Johnson counties from and including January 1st, through November 30th of any year; fixing the penalty for violation of the provisions of this act, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,

Austin, Texas, August 12, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 70, "An Act to amend Section 7 of House Bill 690, Chapter 200, of the General and Special Laws of the Regular Session of the Forty-first Legislature, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,

Austin, Texas, August 12, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 72, "An Act providing for rural school supervisors in Van Zandt, Panola, Nacogdoches, Jasper, Cass, Live Oak, Anderson, Scurry, Wood, Denton, Shelby, Morris, Parker, Nolan, Titus and Wise counties in lieu of teachers' institutes; prescribing the duties of said supervisors; providing for visits to schools of the county and work in co-operation with teachers; prescribing the salaries of said supervisors, and how they shall be paid; providing other things incidental to said purpose, and declaring an emergency,"

Have carefully compared same and found it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room,

Austin, Texas, August 12, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 21, providing for adjournment sine die,

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,

Austin, Texas, August 12, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 20, To authorize correction in House bill No. 33,

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,
Austin, Texas, August 12, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 33, "An Act to regulate the method of taking or catching fish in the public fresh waters in Morris and Titus counties, State of Texas, for the preservation and conservation of the fish in said counties; providing penalties for violation; repealing House bill No. 717, Regular Acts of the Forty-second Legislature and all other laws in conflict herewith, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room,
Austin, Texas, August 12, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 25, "An Act further prescribing the powers and duties of the Railroad Commission of Texas in respect to the conservation of oil and gas and the regulation of the production, storage and transportation thereof; further defining waste, regulating and prohibiting the same as relates to crude petroleum oil and natural gas, prohibiting the production, transportation, storing or use of crude petroleum oil and/or natural gas under conditions as to constitute waste, providing that waste shall not be construed to mean economic waste and prohibiting the taking into consideration of market demand as an element of waste, providing that this act shall not be construed as to prevent storage of oil except to prevent physical waste, authorizing the curtailing of production in order to prevent waste; amending Article 6008 of the Revised Civil Statutes of 1925, prohibiting the wasting of gas by escape and requiring the confinement thereof under the terms and conditions of said article and affixing a penalty for its violation; amending Article 6036 of the Revised Civil Statutes of 1925 as amended by Section 4 of Chapter 313, Acts of the Regular Session of the Forty-

first Legislature, providing for additional penalties to those which might be imposed by the Commission for the violation of its orders and authorizing suit to collect the penalty by the Attorney General in the name of the State of Texas; giving the Railroad Commission the power through the Attorney General to institute suits against parties violating the rules, regulations and orders of the Commission, fixing the venue thereof and providing for injunctions therein; empowering the Commission to inquire into the production, storage or transportation of crude petroleum oil and natural gas in order to determine whether or not waste exists and requiring persons to make and file sworn reports and statements as to facts within their knowledge in reference to the production, storage or transportation of crude petroleum oil and/or natural gas and authorizing the inspection and gauging thereof by the Commission and of the books and records of any party interested therein; requiring permanent records or copies thereof of the quantity or amount of oil or gas produced, stored or transported within this State, giving authority to the Commission and the Attorney General to inspect said records, and providing grounds for forfeiture of charters and injunctions prohibiting corporations from doing business because of a failure to comply with the terms hereof in respect thereto, giving the Attorney General the power to institute such suits, authorizing the Commission upon its own initiative and requiring it upon the verified complaint of any party showing that waste is taking place, to hold hearings, hear testimony and enter and make rules, regulations and orders in reference thereto as the facts justify; authorizing the Commission to distribute, prorate or otherwise apportion any reduction or adjustment among wells, committing waste or contributing thereto; authorizing the Commission to designate and describe wells or pools by using well-understood names or descriptions, authorizing the Commission from time to time after notice, to amend, revoke, suspend, renew or extend such rules or orders so made as the circumstances may equitably require, prohibiting the Commission from restricting production of oil from any new field until the total production aggregates ten thousand (10,-

000) barrels of oil per day unless it be necessary to prevent physical waste, providing a method whereby any interested party affected by any rule or order made or promulgated by the Commission, shall have the right to institute a suit in Travis county, Texas, against the Commission and seek relief such as may be necessary, providing the procedure in respect thereto and granting of injunctions under certain conditions and providing for and prescribing the manner and method of executing injunction bonds and the procedure in reference thereto; providing for the conditions of such bond and the right of persons to sue thereon, granting to either party the right of appeal from the judgment rendered therein, and providing for the advancement of said cause in the appellate courts, repealing all laws and parts of laws in conflict therewith; providing for the appointment of a receiver when any party violates, after final adjudication, of any rules, regulations, orders or judgments and requiring a bond of such receiver and prescribing his duties and for the dissolution thereof upon such terms as the court may prescribe; providing that nothing herein contained or authorized and no suit by or against the Commission shall impair or abridge or delay any cause of action for damages or other relief, of any person owning any land or any producer of crude petroleum or natural gas or any other party of interest may have or assert against any party violating such rule, regulation or order of the Commission or any judgment rendered therein, giving the Commission the power to enjoin violations of any statute, rule, regulation or order made in respect to the purchase, transportation or handling of crude petroleum oil or natural gas produced in excess of the amount allowed thereby; amending Article 6029 of the Revised Civil Statutes of 1925, relating to the power of the Commission to make and enforce rules and regulations for the conservation of oil and gas and to prevent physical waste and the method and manner of drilling, plugging and the orderly manner and method of operating in the discovery, production, transportation and handling of oil and gas and to do all things necessary to prevent physical waste of oil and gas as defined in this act, providing that this act shall not be con-

strued so as to relieve any party from the duties and obligations imposed by Chapter 36, page 17, Acts of the Forty-first Legislature, at its Fifth Called Session, commonly known as the Common Purchaser Act, and all amendments thereto, providing that nothing in this act shall modify or change the terms and provisions of Senate bill No. 337, Acts of the Regular Session of the Forty-second Legislature, commonly known as the Marginal Well Bill, and providing that this act shall not repeal any existing law or is in conflict therewith, providing that this act shall be cumulative of all laws of the State of Texas not inconsistent herewith and requiring all persons entrusted with the enforcement of the orders, rules and regulations of the Commission, to be regular employes of the State, and prohibiting any other person from the performance of such duties, providing for ratable taking of oil and gas under certain conditions, prohibiting discriminations under certain conditions; providing if any section, clause or any provision of this act or any other act referred to shall be held unconstitutional or invalid or unenforceable, it shall not affect the remaining portions, defining the term 'party' and the term 'Commission,' and providing this act shall not amend, repeal, change, alter or affect in any manner the anti-trust laws of this State; amending Article 6032 of the Revised Civil Statutes of 1925, imposing a tax of one-tenth of 1 cent per barrel on crude petroleum oil, the funds derived therefrom to be used toward the administration of this law, and providing that the excess shall become a part of the general revenue of the State and for the payment of any deficiency out of the general revenues of the State, providing for the employment of supervisors and other employes by the Commission and for the payment of their salaries, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

SEVENTEENTH DAY.

(Thursday, August 13, 1931.)

The House met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Minor.

The roll was called, and the following members were present: